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THE HISTORY OF

BRITISH INDIA.

BY JAMES MILL, ESQ.

FIFTH EDITION WITH NOTES AND CONTINUATION,

BY HORACE HAYMAN WILSON, M.A., F.R.S.

MEMBER OF THE ROYAL ASIATIC SOCIETY, OF THE ASIATIC SOCIETIES OF PARIS, BOSTON AND CALCUTTA, AND OF THE ORIENTAL SOCIETY OF GERMANY; OF THE IMPERIAL INSTITUTE OF FRANCE, AND THE IMPERIAL ACADEMIES OF VIENNA AND ST. PETERSBURGH; OF THE ROYAL ACADEMIES OF BERLIN AND MUNICH, ETC., ETC.; AND BODEN PROFESSOR OF SANSCRIT IN THE UNIVERSITY OF OXFORD.

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HISTORY

OF

BRITISH INDIA.

BOOK VI.

FROM THE ESTABLISHMENT OF THE NEW CONSTITUTION FOR THE GOVERNMENT OF INDIA, IN 1784, TO THE TERMINATION OF THE WAR WITH THE MAHRATTAS, IN 1805.

CHAPTER I.

Administration of Mr. Macpherson.—State of the Government in India, internal, and external.—Board of Control pays, without Inquiry, the Debts of the Nabob of Arcot.—Orders the Assignment of the Carnatic Revenues to be given up.—Absorbs the Power of the Directors.—Lord Cornwallis appointed Governor-General.—Commencement of the Proceedings in Parliament relative to the Impeachment of Mr. Hastings.—The best mode of Proceeding rejected by the House of Commons.—Articles of Charge against Mr. Hastings.—Three Bills to amend the East India Act.—Proceedings in Parliament relative to the Impeachment of Mr. Hastings.—Impeachment voted.—Proceedings in Parliament tending to the Impeachment of Sir Elijah Impey.—Motion for Impeachment negatived.—Mr. Pitt's Declaratory Act.

UPON the departure of Mr. Hastings from Bengal, Mr. Macpherson succeeded, as senior in council, to the power and dignity of Chief Governor of the British establishments in India. Certain peculiarities marked the

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BOOK VI. history of this gentleman in the service of the Company.
CHAP. I. He sailed to Madras in 1766, purser of an India ship; and having obtained the means of an introduction to the Na-
1785. bob of Arcot, insinuated himself quickly into his inmost confidence. As the Nabob, since the first moment of his deliverance from the terror of the French, had been in a state of perpetual struggle with the servants of the Company for a larger share of power, Mr. Macpherson appears to have flattered him with the hopes of advantage from an application to the British minister; and to have prevailed upon the Nabob to make use of himself as the organ of the attempt. The project was, to persuade the minister, that the Nabob was suffering under a load of oppression by the Company's servants. Mr. Macpherson arrived in England, in execution of this commission, towards the end of the year 1768. Upon his return to Madras, he was, during the administration of Governor Dupré, admitted into the civil service of the Company, and employed by that Governor in the most confidential transactions; particularly, in writing his despatches, to which the superior skill of Mr. Macpherson in the art of composition afforded a recommendation. In the year 1776, Lord Pigot was Governor of Madras. Mr. Macpherson had ascended to the rank of a factor in the Company's service; when a paper, purporting to be a memorial to the Nabob of Arcot, was presented to the Council by their President. It had no signature: but it recapitulated various services, which the writer had rendered to the Nabob in England; and the concurrence of circumstances rendered it but little possible that he should be any other person than Mr. Macpherson. Mr. Macpherson was called before the Board; and asked whether, or not, he acknowledged the production. Mr. Macpherson replied, "That he could not give a precise answer; that it was not written in his hand, nor signed by him; and that it referred to transactions before he was in the Company's service." Lord Pigot regarded this answer as not only evasive, but a satisfactory proof that Mr. Macpherson was the author; and as the transactions appeared to him to be those of a man unfit for the service of the Company, he therefore moved that he should be dismissed. The following is a passage of the memorial: "The object of this commission was to procure

relief from the oppressions under which the Nabob was labouring: to procure this wished-for relief, the means to be employed were, if possible, to raise in the breast of the Prime Minister a favourable respect for the Nabob; then to lay before him the distress of the Prince; likewise to show the advantage which would arise to the state, from granting him the proper protection." In describing his first interview with the Minister, the Duke of Grafton, the memorialist said, "I expatiated upon the superior merits of the Nabob; showed that he was the person to whom Britain owed the rise of her power in India; that his attachment and unsullied honour to the English were unparalleled. I then dwelt upon his personal merits, as a statesman and a gentleman; and showed, that though he had assurances of protection, under the sovereign hand, he was treated with indignity, and even tyranny." "Having represented," continues the author, "the Nabob's distress, and the oppressions under which he laboured, in the most cautious manner to his Grace, I availed myself of the disputes which subsisted, or were rather commencing, between his Grace, as First Lord of the Treasury, and the India Directors, to enforce the propriety of supporting the Nabob." Another of the topics which he] says he always laboured was, "that the firm support of his Highness was the best restraint which government had upon the usurpations of the servants of a certain Company." The memorialist also desires the Nabob to recollect, whether he was not the inventor of the plea, by which the Nabob claimed to be a party, to the treaty of Paris; that is, to rank himself with the princes of Europe, as a member of their general system; and to make the King of France an arbiter between him and the English. Beside the general project of relieving the Nabob from oppression, that is, from the necessity of paying his debts, and of yielding anything from the revenues of the country towards its defence, the memorialist claims the merit of having exerted himself in favour of two other favourite designs of the Nabob; that of usurping the seat of the Subah of the Deccan, and that of disinheriting his elder in favour of his second son. Beside the arguments which the memorialist employed upon the minister, and the publications by which he boasts of having influenced the public mind, he

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recurred to other instruments of persuasion. He offered presents to the minister, but they were rejected; and then to the minister's secretary, but they were rejected again. His next offer, but under the necessary portion of disguise, was that of a present to the nation: a sum of seventy lacs, or even more, to be given to the minister, on loan for the public service, at an interest of two per cent.

As the memorialist in these transactions appeared distinctly to have lent or sold himself to the Nabob, to act in hostility to the Company, it was decided in the Council, by a majority of nine to two, that Mr. Macpherson should be dismissed from the service. Four of the members, not satisfied with a silent acquiescence in the reasons of the President, add, that "a man of the intriguing disposition which that paper shows Mr. Macpherson to be, is, we think, very unfit to be employed as a servant of the Company; more especially as we believe Mr. Macpherson has been concerned in the intrigues, which the greater part of the Board must be sensible have lately been carried on at the Nabob's Durbar, to the detriment of the Company's service, and which may have impeded the execution of their late orders."

As the Board regarded the evidence against Mr. Macpherson as conclusive, they held it unnecessary to call upon him for a defence. To the Directors, the offence, when it came before them, must have appeared of a very trivial nature. About the restoration of Mr. Macpherson they seem not to have hesitated. Their only anxiety was to restore him, without submission to the condition (the votes of three-fourths of the Directors and three-fourths of the Proprietors) prescribed by the act. The opinion obtained from the Company's council was, that though his dismission, pronounced without receiving his defence, was informal, he could not, without submission to the clause of the act, be restored. The council added, "And it is worth considering, if Mr. Macpherson should be restored, whether he is a proper person to be continued in the Company's service: he has, in my opinion, too much connexion with the Nabob of Arcot; and when the Company's interest and Nabob's are opposite (as they will often happen), they will greatly disturb a man of honour and integrity." As this opinion appears not to have accorded with the

wishes of the leading portion of the Directors, they made an experiment whether a more favourable opinion could not be obtained from another quarter. They consulted the Solicitor-General, Wedderburne, who had sufficient power over technical language to satisfy them completely. He pronounced the dismission of Mr. Macpherson not a dismission; and by consequence, the clause of the act, which regarded dismission, had in this case no application. Mr. Macpherson was immediately restored. In announcing, however, this decree to the Governor and Council of Madras, the letter of the Court of Directors has the following words: "But, as his behaviour was disrespectful to the Board, and, in other particulars, very reprehensible, we direct that you give him a severe reprimand, and acquaint him that a like conduct will meet with a severer punishment." From the humiliation, however, of such a reprimand, and such a menace, the Court of Directors, who prescribed them, afforded him effectual protection. Though restored to his rank and emoluments in the service, he was allowed to remain in England, till January, 1781, when he was chosen to fill the high office, vacant by the resignation of Mr. Barwell, in the Supreme Council of Bengal. This appointment excited the attention of the Select Committee of the House of Commons, who took it under examination, and deemed it of sufficient importance to make it the subject of their third report. The conduct of Mr. Macpherson, who undertook the office of a secret enemy of the Company, and became the willing and mercenary instrument of designs levelled against his country; the conduct of the Court of Directors in shielding such a man from the punishment awarded for his offence, nay distinguishing him, as if he had been a model of excellence, by a most unusual reward; lifting him up from a low rank in the service, and placing him all at once in nearly the highest and most important office which they had to bestow, the Select Committee condemned in language of the greatest severity. The design of the Nabob to exempt himself from all dependence upon the Company, the Committee represented as early formed, systematically pursued, and pregnant with danger. He endeavoured to negotiate a treaty of neutrality with the French, which would have secured that nation at Pondicherry. He

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carried on, to the perpetual disturbance of the Company's government, a perpetual system of intrigue, in pursuance of his plan. Of Mr. Macpherson's construction of the article of the treaty of Paris respecting the guarantee of his independence by France, he was eager to take advantage, and to interpose that nation between himself and the English. "By means of such flattering delusions," say the Committee, "the ambition of the Nabob Mohammed Ali had been, before this invention, as well as ever since, stimulated to desperate designs and enterprises; which have disturbed the peace of India, shaken the lawful government of the Company at Madras, wasted his own revenues, and at length brought the power of Great Britain in that part of the world to the verge of ruin."

A copy of this report was sent out by the Directors to Bengal, where Mr. Macpherson was then performing so important a part in the government of India. It was a call upon him for a defence of his own conduct and of theirs. The apology was written, under date the 30th of March, 1783. It consisted of the following particulars: First, an assertion that the transactions, in which he had been engaged for the Nabob of Arcot, were made fully known to the Company's Governor at Madras, at the time when he entered into the Company's service, and that he had never presented any memorial of those transactions to the Nabob, but what had that Governor's approbation: secondly, of a display of the meritorious proceedings of the Supreme Government in Bengal, from the time when he became a member of it.[1]

Upon the first part of this apology, it is obvious to remark, that it consisted entirely of his own affirmation of what passed between himself and a man that was dead. Besides, if it was true, it only proved that a certain governor sanctioned a certain conduct; not that such conduct was innocent. The secret concurrence of a governor, if in anything wrong, was a collusion between two individuals, not the sanction of government. Upon the second part, an observation equally conclusive was, that

[1] For these facts, see the Third Report of the Select Committee, formed in 1781; and Mr. Macpherson's Letter to the Court of Directors, dated Calcutta, 30th of March, 1783, printed by order of the House of Commons, among the papers laid before them in 1787.

the plea was foreign to the charge; for surely the acts of the Supreme Council, whether excellent or the reverse, during the time in which Mr. Macpherson had possessed a seat at the Board, were no proof that nearly twenty years before he had not committed an act, which ought to have excluded him from the service.

As Mr. Hastings remained in India, till the passing of Mr. Pitt's bill left no longer any doubt of his recall, Mr. Macpherson had time to rise to seniority in the Council; and, by virtue of his station, occupied, when left vacant, the Governor-General's chair.[1]

[1] Thus far, relates not to Mr. Macpherson's administration, which alone is the legitimate subject of the History of India, but to matters of a private and personal nature, which have little or no historical importance. The notice is borrowed, both in language and spirit, from the Third Report of the Select Committee, the whole of which is most unworthily taken up with similar topics. Admitting that Mr. Macpherson had, twenty years before, and when he owed no fealty to the Company, advocated the claims of the Nabob of Arcot — admitting that he had, whilst yet young in the Company's employment, memorialised the Nabob on the subject of the services he had rendered him, a fact not substantiated — admitting that he had been precipitately dismissed and informally restored — these were circumstances that could have been swelled into such magnitude, as to have been deemed worthy of special parliamentary investigation, only by secret motives, with which we are imperfectly acquainted, but which we may suspect had their origin in some party virulence, provoked by the share which Mr. Macpherson was known to have taken, both in 1769 and 1777, whilst in England, as a writer on the side of the Government. There is no doubt that the Court of Directors and the public, duly appreciated the character of the Report, as it led to no ulterior measures. As, however, the personalities of the Committee have been repeated in the text, it is advisable to offer some corrections of them by a statement of the facts. Mr. Macpherson went out to India, nominally, as Purser of the Mansfield Chinaman, commanded by his uncle, Captain Macleod. He was the son of the Rev. Dr. Macpherson, of Sleat, in the Isle of Skye, and received a classical education, first at Aberdeen, and afterwards at Edinburgh, where he was the favourite pupil of Professor Fergusson, and became the tutor of the sons of the Earl of Warwick. He left England in March, 1767. The ship touched at Madras; and Mr. Macpherson, having been introduced to the Nabob of Arcot, speedily acquired so much consideration with him, that he engaged the young man to return to England as his agent, with letters addressed to the Minister. With these he arrived in November, in 1768, and presented his despatches to the Duke of Grafton. Whatever may be the truth of the assertions in the memorial, that bribes were offered to the Minister and his Secretary, it is very certain that nothing in Mr. Macpherson's conduct was offensive to either, as it was solely by the Duke's interest, that a writership was obtained for him. Mr. Macpherson remained in England till the beginning of 1770; he then sailed to Madras, with an appointment in the service, to which, therefore, he was not "admitted by Mr. Dupré." In 1774, he was paymaster to the army: in 1776, he was dismissed. We have seen the violence of the disputes which enlisted the whole of the Madras community as partisans, either of the Governor or the Nabob. Mr. Macpherson had no doubt been flattered by the notice and confidence of the latter; he felt grateful to him as indirectly the cause of his success in life, and he entertained to the last a strong impression of the validity of the Nabob's pretensions to regal independence and power, and of his being treated with indignity and injustice. His expression of these sentiments was no doubt the real cause of Lord Pigot's animosity, and of his removal from the service. Mr. Macpherson returned to England in 1777, and was again the bearer of communications from the Nabob

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The state of the revenues; the affairs of Oude; and the proceedings of Sindia, the great Mahratta chief, occupied first the attention of the new administration.

The state in which Mr. Macpherson received the government, he represents as far from happy and prosperous. In a statement, bearing date the 4th of March, 1785, "The public distress," he says, "was never so pressing as in this moment. The season of the heavy collections is over; the demands of Madras and Bombay are most pressing; and our arrears to the army are upwards of fifty lacs." [1] To the Court of Directors, when rendering an account of his government, upon the intimation of his recall, he represents himself as having been called upon "to act as their Governor-General, at a season of peculiar difficulty, when the close of a ruinous war, and the relaxed habits of their service, had left all their armies in arrear, and their presidencies in disorder." [2] The loose language, in which

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of Arcot, including his "Will," in which the King was nominated his executor and the guardian of his family, trusts which were accepted by His Majesty. He was also charged with an account of secret overtures made by France to the Nabob, soliciting his alliance and co-operation, and promising to assist him in recovering Tanjore; information which enabled the English authorities in India to prepare for the war with France that ensued; and under secret orders from the Chairman and Deputy, and President of the Board of Control, which the Secretary of State would not sign, to effect the capture of Pondicherry. The readiness with which the Nabob imparted the temptations offered him, displayed none of that disposition to engage in desperate designs against the British power, with which he is charged by the Report, as a consequence of Mr. Macpherson's flattering delusions. These communications, and the support he gave to Lord North's administration, both by his pen and in Parliament, in which he represented Cricklade, no doubt recommended him to the friendship of the Minister, and led to his nomination to a seat in Council at Bengal. The Directors, in concurring in his appointment, must have felt secure that they had little reason to apprehend his giving countenance to the Nabob, in opposition to the interests of the Company; and more probably anticipated, from his personal influence, the confirmation of the Nabob's purpose in a continued rejection of any intercourse with France. These particulars are derived from private correspondence, and various printed documents, viz.: —"Letter to Sir J. Macpherson, from J. Robinson, Esq., Secretary to Lord North, dated May, 1800." Letter from Sir J. M. to the Hon. W. Elphinstone, Chairman of the Court of Directors, August, 1804." "Letter from the same to Whitshead Keene, Esq., M.P., May, 1806;" and from a quarto volume, printed by his friends in 1808, entitled, "Case of Sir John Macpherson, &c.," the statements of which are verified by extracts from the Correspondence between the Governments of India and the Court of Directors. See also a notice of Sir John Macpherson in Wraxall's Posthumous Memoirs, vol. i.—W.

[1] Letter to Major Palmer, printed among extracts from papers in No. 2, vol. vii., presented to the House of Commons on the 13th of March, 1786.

[2] Copy of a Letter to the Court of Directors, dated 10th of August, 1785, printed by order of the House of Commons. The Select Committee of the House of Commons, in 1810, in their Third Report, p. 370, say, "The effects of the war which ended in the year 1783, were particularly prejudicial to the financial system of India. The revenues had been absorbed, the pay and allowances of both the civil and military branches of the service were greatly

the Indian Governors indulge, makes it impossible to know very exactly what Mr. Macpherson indicated, by the term "relaxed habits" of the service; undoubtedly, however, he meant bad government; since he described them as among the causes of some of the worst effects,—armies all in arrear, and presidencies all in disorder.

The Governor-General and Council stood pledged to Mr. Hastings for the maintenance of his new system for the management of Oude. To reduce, however, the drain upon the Nabob's treasury, produced by allowances and gratuities to the Company's servants, a rule was introduced, that every thing of this nature should appear upon the face of his accounts, should be recorded by the Council, and transmitted for the inspection of the Court of Directors. A body of troops had been assigned by the Nabob to Mr. Hastings, as a body guard, during his residence in Oude; and to these troops had been appointed British officers at the Nabob's expense. This, too, was a burden upon the Nabob which the Governor-General deemed it improper any longer to impose. The expense, however, of Major Palmer, the private agent of Mr. Hastings, left at the seat of the Nabob when the ostensible resident was withdrawn, he was induced, "from motives (he says) of delicacy to the late Governor-General, and his arrangements in the upper provinces," not immediately to remove; though the expense was enormous,[1] and the agent employed for no other function, than to transmit to the Presidency the letters of the Vizir, and present those addressed to him by the Governor-General. The Futtygur detachment, from the changes which had taken place on the frontiers of Oude, it was also, for the present, deemed unsafe to withdraw. But the Governor-General declared his resolution of confining the military burden

in arrear; the credit of the Company was extremely depressed; and, added to all, the whole system had fallen into such irregularity and confusion, that the real state of affairs could not be *ascertained* till the conclusion of the year 1785-6." Such is the state in which India was left by the administration of Mr. Hastings.—M.

Such were the inevitable consquences of the ruinous wars engaged in by the Presidencies of Bombay and Madras. That the mischief was not incurable, was the merit of Hastings' administration.—W.

[1] In all, 112,950*l*., of which 22,800*l*. was in salary to Major Palmer alone. The expense of the residency, under Mr. Bristow, which Mr. Hastings had represented as frightfully enormous, amounted to 64,202*l*. See Burke's Charges, No. 16, sect. 89.

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imposed upon the Vizir to the smallest amount consistent with the security of his dominions; and for this he conceived that one complete brigade, in constant readiness, and punctually paid, would suffice.[1]

The proceedings of Sindia were already an object of great jealousy, if not of dread. In 1781, Mr. Hastings,

[1] See the letter to Major Palmer, quoted in the preceding page.—M. The portion of the text that follows, and which relates to Sindia, belong almost entirely to the administration of Hastings, and not to that of his successor; of whose measures, therefore, scarcely any account is given. With regard to Sindia, the only important transaction that took place with him, was his demand on behalf of Shah Aulum, of the tribute due to the Mogul, to the amount of four millions sterling. The demand was civilly, but peremptorily resisted by Sir John Macpherson's government, not, as might be supposed from the loose manner in which it is alluded to in the text, by that of Hastings. The leading feature of Sir John Macpherson's administration, however, was the eminent success which attended his efforts to reduce public expenditure, and re-establish public credit. In a minute in the Secret Department, dated 15th December, 1785, it is stated that a comparison of the receipts and disbursements of the year ending 30th April, 1786, exhibited a deficit of about 1,300,000*l.* The arrears due to the armies of the three Presidencies, were about two millions. The ascertained Bengal debt alone, was about four millions. The troops at Madras and Bombay were in a state of utter destitution, and some of them in open mutiny, from the great amount of their arrears. In this situation, the government of Bengal declared itself responsible for the debts of the three Presidencies. All remittances of cash from the Collectors' Treasuries, were prohibited, until the arrears of troops within or near their districts, had been discharged. All civil servants, civil surgeons, and uncovenanted servants, drawing more than 300 rupees per month, were to be paid their salaries and all their arrears, with certificates bearing interest at 8 per cent. per annum until cashed. All issues of paper, on account of the Company, except the Company's bonds, were ordered to be registered, the registry was to be published, and the paper was to be paid off in the order of its issue. The cash accumulating in the Treasuries was to form a fund, by which the certificates and other paper were dischargeable; and under these arrangements, the Governor-General and Council publicly expressed their expectations, that "all the paper in currency at the end of 1785, would be paid off in the course of twelve months, through funds derivable from the amount of the reductions made in the established charges of the government, aided by the effects of these regulations, and the additional resources to be derived from the Upper Provinces." These measures were made known to the public by advertisement in the Official Calcutta Gazette, 29th December, 1785, and 15th January, 1786. The orders were followed up by subsidiary arrangements, which completely altered the aspect of affairs. "Every man in the settlement," observed a competent authority on the spot, "witnessed the magical effects of this measure. It operated like a charm in restoring public confidence, which once secured, this moving fund acquired life and activity. At no remote period from the commencement of the plan, Treasury Certificates could raise cash in the market at a discount less than the legal interest of the money. I shall ever bear grateful testimony of the salutary relief from ruin, which the measure afforded to me, and to every trader in the settlement." Prinsep's Proposal of a Substitute for Funding, 1797. In a letter to the Governor of Madras, from the Governor-General, dated 20th May, 1786, he writes, "In our reductions of expense, which have been very great (125 lacs), 1,250,000*l.*, I shall have cold praise, and a thousand secret enemies." He received, however, in November, 1786, the unanimous thanks of the Court of Directors, for his able administration of the affairs of India, and was raised by His Majesty to the dignity of a baronet. It was during the government of Sir John Macpherson, that, by an amicable arrangement with the King of Queda, the valuable settlement of Penang, or Prince of Wales' Island, was added to the Company's Eastern possessions.—W.

apparently engrossed by one object, the accomplishment of peace with Sindia, and, through him, with the government at Poonah, overlooked or misunderstood the dangers which were involved in the aggrandizement of the Mahratta chief, and expressly instructed the English ambassador to throw no obstacles in the way of the designs which he entertained against the remaining territories of the Mogul. Toward the end of the year 1782, died Nujuf Khan, whose talents had, even in its present decline, given a portion of stability to the imperial throne. The remaining chiefs by whom it was surrounded immediately broke into general discord. In the petty, but virulent warfare in which they engaged, the unhappy Emperor was bandied from one to another, according as each, attaining a precarious ascendancy, became master of his person; and he was equally enslaved and oppressed by them all. About six months after the death of Nujuf Khan, Mr. Hastings, though he had directed Colonel Muir not to insert anything in the treaty with Sindia, "which might expressly mark our knowledge of his views, or concurrence in them," namely, his views on the territory of Shah Aulum; and though he had on that occasion declared, that "our connexion with the Mogul had long been suspended, and he wished never to see it renewed, as it had proved a fatal drain to the wealth of Bengal, and the treasury of the Company," sent certain agents, among whom were Major Browne and Major Davy, to the court of the Emperor at Delhi; and, by means of them, entered into negotiations, if not engagements, of which the nature has never been satisfactorily explained. It appears, that an offer was made, on conditions which were accepted, to provide for the expense of any troops which the King might require; and Major Browne, in his despatch to Mr. Hastings, laid before the Board, declared, that "The business of assisting the Shah can and must go on, if we wish to be secure in India, or regarded as a nation of faith and honour."[1] The proposition, however, which was made by the Governor-General, to grant assistance to the Mogul, was disrelished by the other members of the Board; and the scheme was defeated. At what mark it was aimed,

[1] Letter from Major Browne to Mr. Hastings, dated at Delhi, 30th December, 1783.

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we nowhere distinctly perceive.[1] "I avow," says Mr. Hastings, "that I would have afforded effectual assistance to the Mogul, that is, to the King, Shah Aulum, if powers had been granted to me; but my Council differed in opinion with me, and nothing was done." This is all the information which, in his answer to the charge on this subject, Mr. Hastings condescends to yield. When urging upon the Directors his wishes for sending troops to the assistance of the Mogul, he had indeed held a language, contradictory both to his former and his subsequent declarations. "If the King's authority," he said, "is suffered to receive its final extinction, it is impossible to foresee what power may arise out of its ruins, or what events may be linked in the same chain of revolution with it. But your interests *may* suffer by it; your reputation certainly *will*—as his right to our assistance has been constantly acknowledged—and, by a train of consequences to which our government has not intentionally given birth, but most especially by the movements, which its influence, by too near an approach, has excited, it has unfortunately become the efficient instrument of a great portion of the King's present distresses and dangers." Mr. Burke, however, affirms, with a strength which the circumstances will not warrant, that the pretended design of Mr. Hastings to free the Emperor from thraldom under the Delhi chiefs, was not his real design, because not consistent with some of his declarations, and some of his acts. While Mr. Hastings was at Lucknow, in 1784, the eldest son, and heir apparent of the Emperor, repaired to Oude, to solicit the protection of the Governor-General and Nabob. He was received with marks of distinction, which had no tendency to extinguish hope, and was described by Mr. Hastings as a person of considerable qualifications, well versed in affairs. His solicitations for aid to deliver his father from oppression, and re-establish in some degree the fortunes of his house, Mr. Hastings informed him, were opposed by the present temper of the English nation, as well as by

[1] The papers on this subject were refused by the ministry, or rather by the House of Commons, under the guidance of the minister. See the Debates in Parliament, under date March 6th and 17th, 1786.—M.

At the same time, it is evident from the 18th Charge, presented to the House on the 26th of the following April, that Burke was in possession of the papers The debates were therefore merely on a question of form.—W.

that of his colleagues in the government; and he advised an immediate application to Sindia, as the most powerful Mahratta Prince, the ally of the English nation, and a man who, unless early prevented, was likely to take an opposite part. To Sindia, Mr. Hastings, as he informed the Court of Directors, had himself written, on the very first advice he received of the flight of the Mogul Prince, not only to apprize him of that event, but to solicit his advice. Sindia immediately sent to Lucknow his familiar and confidential ministers, with whom Mr. Hastings held several secret conferences, without the presence even of a secretary. He reported no more than the result of these conferences; namely, "that the inclinations of the Mahratta chief were not very dissimilar from his own;" and he added, that neither in this, nor in any other instance, would he suffer himself to be drawn into measures which should tend to weaken the connexion between the English government and Sindia; "nor, in this, even to oppose his inclinations." What his inclinations were, at the time of the negotiation with Colonel Muir, the reader will remember: what were the recent declarations of Mr. Hastings, respecting the obligations, both of justice and of policy, to support the Emperor, has been immediately stated: what were the inclinations of Sindia at the present moment, Mr. Hastings is far from disclosing. The actions of Sindia made them soon distinctly appear.[1] The Emperor, from the

[1] The insinuations of Mr. Burke, that the negotiation of the Governor-General with the Mogul, covered an insidious design to betray him into the hands of Sindia, receives its greatest confirmation from what Mr. Pitt was brought to say in the House of Commons, on the 18th of March, 1786, in the debate on the production of Delhi papers. "If he were inclined to lay open secrets which the interests of the country required should be concealed, he could easily prove," he said, "that the junction of the Mogul with the Mahratta powers, was of the highest advantage to the Company." Two other objects, which were always found an efficient source of terror, as terror is always, in such hands, a most convenient instrument of persuasion, were, on this occasion, brought forward by the minister. These were Tippoo Saib and the French. These two, he said, were, at that time, plotting against the Company; and Tippoo was making efforts, by holding out dazzling projects to the Mogul, to realise the great advantage of the imperial authority and name. "In order to counteract this," said Mr. Pitt, "it became necessary for the servants of the Company to exert themselves to the utmost, to ingratiate themselves with the Court of Delhi, and by that means secure to their employers that great body of strength and influence which would naturally result from the countenance of the Shah." Ibid. It was a "body of strength and influence," on which Mr. Hastings set a high value, in his instructions for a negotiation with Sindia.—M.

The insinuation of Burke was founded solely upon his malevolence towards Hastings, and was, he well knew, contradicted by the instructions given by Hastings to Major Browne, for he had those instructions before him when he

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framed his charge, every syllable of which they falsified. He gets rid of this difficulty by asserting, that either Hastings entered upon the Bengal Consultation of the 5th (it should be the 6th) October, 1783, a false paper as the true, or that he gave to Major Browne other secret instructions, totally different from, and even opposite to, his public instructions. Now of these two alternatives, the first is easily disposed of. On the Consultations of the 3rd March, 1783, the appointment of Major Browne is adverted to, and the Governor-General affirms, that the instructions furnished him had been given with the knowledge and approbation of the Council. The other members of the Council present do not deny this affirmation, and their aquiescence in it proves that it was the truth. The instructions, when finally entered, are described as those formerly alluded to. Of the members present on the 6th of October, two, Messrs. Macpherson and Stables, were present on the 3rd of March. They must have known whether the instructions were the same as those which they had formerly sanctioned, and if the document was false, must have connived at the substitution—a connivance with which they were never charged, and of which it is not probable that they could have been guilty. The second insinuation is also disproved by the whole course of the proceedings, which were throughout in harmony with the instructions given to Major Browne. These were of a general nature, and were designed to assure Shah Alem of a disposition, sincerely entertained by Hastings certainly, and possibly by the Council, to support the Emperor against the factious nobles of his court, who contended with each other for his person and authority, and had reduced him to the lowest pitch of degradation and distress. The agent, however, was most particularly cautioned against committing the government by any positive engagement, as they wisely desired, before entering into any agreement, to ascertain the real state of parties at Delhi, and the character and the resources of the Emperor. The question was, however, decided before Major Browne reached Delhi. After the death of Nujuf Khan, the scenes of anarchy and violence that ensued, and the indignity with which he was treated, made Shah Alem turn anxiously towards the English for succour, and repeated letters arrived from him in the early part of 1783, praying for military aid. Hastings was inclined to give it, but all the other members at the consultation above referred to, that of the 3rd of March, determined that it did not appear immediately advisable to send any forces to the assistance of the King, which might involve the British government in fresh troubles. It was subsequently to this, that Major Browne arrived at Delhi, and very excusably compassionating the wretchedness of the Emperor, urged that prompt and effective aid should be at once afforded. He expresses himself as if a treaty had been set on foot, and articles proposed and accepted; but at the date of his letter, the 30th December, 1783, he had not been presented to the King; and the chief ministers, lately elevated by violence and murder to their stations, were not likely to have entered into any treaty which was to liberate Shah Alem from their control. Early in 1784, Hastings went to Lucknow. While there, Prince Juwan Bukht, son of Shah Alem, fled from Delhi, from the insolence of Afrasiab Khan, and sought protection from the Vizir. Major Browne continued to recommend that military assistance should be given to the Mogul; but now Hastings himself, although retaining the same sentiments towards the Emperor, was satisfied that the support of him by arms was no longer advisable. An extract from the Public Letter of the Bengal Government to the Court of Directors, 5th July, 1784, will show the soundness of his views, and the utter baselessness of the charges against him. "In a second letter of the same date (22nd April), the Governor-General transmitted to us several letters which he had received from Major Browne at Delhi, strongly recommending an alliance with his Majesty Shah Alem, together with the plan of a treaty to be entered into, as *proposed to him* by Afrasiab Khan; but the Governor-General acquainted us at the same time, that he had given no encouragement to Afrasiab Khan's expectations. The reasons urged by Major Browne in favour of this alliance, are the supposed intrigues carrying on at the Court of Delhi, by Mahdajee Sindia, unfavourable to the interests of the Company, and

the insidious overtures of Sindia, who offered him deliverance from the undutiful servants that enthralled him. Partly by intrigue, and partly by force, Sindia got possession easily of the imperial person, and, with the imperial person, of all the pretensions and all the territories which belonged to the imperial throne. Nor was it long before he manifested the value of that friendship of his to the English, which Mr. Hastings claimed so much of merit for maintaining. Mr. Hastings had not yet left Calcutta, when a body of the Seiks invaded Rohilcund; and it was on

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the danger of the King's throwing himself upon the Seiks for assistance and protection, in case of our refusing to afford him aid in the present distracted situation of his affairs. On the other hand, the Governor-General stated to us such arguments as appeared to militate against the proposed alliance. These were the dangers of converting Sindia into an enemy, by thwarting his views (*if he had any*) at the Court of Delhi. The probability that the account of his intrigues at that Court was fabricated by Afrasiab Khan, to suit an interested purpose — the impolicy of giving way to hasty suspicions, and the change in His Majesty's situation since the month of October last, when he deemed such an interference on our part expedient, his dominions having been since that period harassed by intestine commotions, and his resources exhausted by the calamities incident to such a situation." The Council concurred entirely in these views, and unanimously determined to exhort the Governor-General to avoid most sedulously and cautiously committing the Company, either as to their arms or treasure, in his correspondence with the King. A subsequent letter from Hastings to the Court of Directors, dated the 16th, June details all that had occurred; and although it still shows a leaning to the policy of interfering in behalf of the unhappy old King, expresses a determination to adhere to the instructions of the Court, and the sentiments of his colleagues. Anticipating now, what he before evidently hesitated to believe, the intention of Sindia to interpose, he, consistently with his instructions to Colonel Muir, remarks:—"I consider the alliance of Mahdajee Sindia, as of such importance to your political interests, that you may rest assured, that neither in this nor any other instance, will I suffer myself to be drawn into any measures which shall tend to weaken this connection." He proceeds to say, that he believes the intentions of Sindia are not very different from his own wishes, and that he seeks to vindicate the authority, and protect the life of Shah Alem. Shortly after this, Sindia avowed his purpose of taking a part in the political agitations of Delhi, professedly in favour of the Emperor; and there was no longer any occasion, nor would it have been compatible with the declared policy of the Government of Bengal, to interfere. From all this, the inferences are palpable. Hastings would have stepped forward as the protector of Shah Alem, had the character and the resources of that prince encouraged him to do so, and had the resources at his own command permitted his doing so with safety; but when he was fully aware of the state of affairs at Delhi, and that whatever was to be done, must have been effected wholly at the Company's expense — an expense to which their finances were inadequate, as the war with Tippoo still continued, he relinquished the enterprise — a determination confirmed by the appearance of Sindia on the scene of action, to whom he considered it of vital importance to avoid giving offence. There was nothing in this conduct that merited censure; he throughout kept a prudent restraint upon a generous impulse, and ultimately sacrificed it to more emergent considerations. Neither was there any cause to regret the predominance of Sindia's authority established at this period at the Court of Delhi. While it lasted, it was much more favourable to the comfort, and even the dignity, of Shah Alem, than the power of any of the military adventurers, who in the usurped character of servants, had been cruel and tyrannical masters over their sovereign. MS. Records. See also Francklin's Shah Aulum.—W.

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strong grounds believed, that they received encouragement from Sindia to the attempt. That ambitious chief proceeded in his plans with so much expedition, that, before the end of March, he was master of Agra; and the fort of Ally Ghur, which could not long be defended, remained, in that part of India, the only place of strength, beyond the confines of the Vizir, which was not in his power. He afforded protection to Cheyte Sing, and gave him a command in his army. He had already treated the Vizir with so little delicacy, that nothing but the prospect of effectual resistance, as Major Palmer and Mr. Anderson united in representing, could be expected to restrain him within the bounds of justice.[1] What was more, he compelled the Emperor to declare him Vicegerent to the Mogul empire, an authority which superseded that of the Vizir; and consolidated in the hands of the Mahrattas all the legal sovereignty of India. These advantages he failed not to direct immediately against the Company themselves; and incited the Mogul to make a demand of the tribute due to him from the English. On the charge, however, of having connived with the designs of Sindia, Mr. Hastings has the following words: "I declare, that I entered into no negotiations with Madajee Sindia for delivering the Mogul into the hands of the Mahrattas: but I must have been a madman indeed, if I had involved the Company in a war with the Mahrattas, because the Mogul, as his last resource, had thrown himself under the protection of Madajee Sindia."[2] The question is, whether he did not more surely prepare a war with the Mahrattas, by allowing Sindia to feed his presumption and his power, with all the resources and pretensions of the imperial throne.

The power of Sindia over the Mogul family was not complete, so long as the eldest son of the Emperor remained out of his hands. Towards the end of March a negotiation was opened with him by Sindia, of which the object was his return to Delhi. The conditions offered were extremely favourable. "This convinced me," said Major Palmer, "they were insidious; and I earnestly recommended that the Prince should not trust to pro-

[1] Extracts from Papers in No. 2, vol. vii. ut supra.

[2] Mr. Hastings' Answer to the Nineteenth, Eighteenth, and Seventeenth Articles of Charge.

mises; as, without security for their performance, he would expose his dignity, his succession, and even his life, to the greatest hazard." Major Palmer continues, "I consider the interests of the Company, and the Vizir, as deeply involved in the fate of the Prince. Whilst he continues under the protection of the Vizir and the Company, the usurpation of the Mahrattas must be incomplete; but, if he should fall under their power, it will be perpetuated, and the consequences of their being permanently established in the authority of the empire, would be truly alarming to the peace of the Vizir's, and the Company's dominions." The Major added, "It will not only be impracticable to withdraw the Futty Ghur detachment, in the event of Sindia's obtaining a firm footing in the Dooab, which is his aim, and which he has nearly accomplished; but it will also be necessary for the Vizir to maintain a respectable body of cavalry to act with the Company's infantry for the protection of his dominions. And his Excellency is so seriously alarmed at the growing power of the Mahrattas in his neighbourhood, that I am convinced he will readily adopt any practicable plan for securing himself against the consequences of it."[1]

The Board of Control, at the head of which was placed Mr. Henry Dundas, had not been long in the exercise of its functions, when it manifested pretty clearly the ends which it was calculated to promote.

So strong a conviction was impressed upon Englishmen, in general, of the evil resulting from the magnitude of the debts due to British subjects by the Nabob of the Carnatic; of the fraudulent methods by which they had been

[1] Letters from the Agent in Oude, dated Lucknow, 1st April, 1785; Extracts from Papers, ut supra.—M.

The vicissitudes of the different parties disputing for the last fragments of the Mogul empire, were so sudden and incessant, that they baffled the keenest political foresight. Sindia, after holding the power of prime minister for two years, was expelled from his office by a new combination of the Mogul chiefs. His army was defeated, and he himself obliged to fly to his own dominions. He was succeeded by various nobles, amongst whom was the infamous Gholam Kadir, by whom Shah Alem was deposed and blinded. This outrage brought Sindia again to Delhi; but the consolidated power of the British rendered him less formidable than he had been. The Prince Juwan Bukht, after several vain attempts to engage Nawab Vizir and the British Government to aid him, and after one unsuccessful effort, in 1787, to re-establish himself at Delhi by force of farms, returned to Delhi, and died suddenly in 1788. Francklin's Shah Aulum, 169.—W.

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contracted; and of the mischievous purposes which the Nabob pursued, by acknowledging debts, where nothing had been received, and nothing but a dangerous co-operation was expected in return; that, in every one of the schemes which the late reformers had proposed for the government of India, a provision had been included, for an adjustment of those enormous and suspicious contracts. In Mr. Dundas's bill it was proposed, that the Governor-General and Council "should take into consideration the present state of the affairs of the Nabob of Arcot, and inquire into and ascertain, the origin, nature, and amount of his just debts," and take the most speedy and effectual measures for discharging them. A provision to the same effect, and couched very nearly in the self-same words, was contained in Mr. Fox's bill; and to prevent the recurrence of a like evil in future, it was declared "unlawful for any servant, civil or military, of the Company, to be engaged in the borrowing or lending of any money, or in any money transaction whatsoever, with any protected or other native prince." The clause in Mr. Pitt's act was in the following words:—"Whereas very large sums of money are claimed to be due to British subjects by the Nabob of Arcot, ... be it enacted, That the Court of Directors shall, as soon as may be, take into consideration, the origin and justice of the said demands; and that they shall give such orders to their Presidencies and servants abroad for completing the investigation thereof, as the nature of the case shall require; and for establishing, in concert with the Nabo such fund, for the discharge of those debts which sha appear to be justly due, as shall appear consistent with the rights of the Company, the security of the creditors, and the honour and dignity of the said Nabob."

The Directors, from the words of this enactment, concluded, as anybody would conclude, that this inquiry, respecting these alleged debts, was a trust, expressly and exclusively devolved upon them; and that an inquiry into "the origin and justice of the said demands" implied (what was absolutely necessary to the end which seemed to be proposed, the separation of the false from the true) that scrutiny should be made into each particular case. They proceeded to the fulfilment of the obligations, which this enactment seemed to lay upon them; drew up a set

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of instructions for their Presidencies and servants abroad; and transmitted them for approbation to the Board of Control.

They were not a little surprised to find the Board of Control take the whole business out of their hands. The Board of Control thought proper to divide the debts of the Nabob into three classes; 1. A class consolidated, as it was called, in the year 1767, constituting what it called the loan of 1767; 2. A class contracted for paying the arrears of certain cavalry discharged in 1777, which it called the cavalry loan; 3. Another class, which it called the consolidated debt of 1777.[1] And it ordered, that all these three classes should be discharged, without any inquiry.

As it was only by degrees that funds for that discharge could arise; and twelve lacs annually were set apart for that purpose; the following order was prescribed:—That the debt consolidated in 1767 be made up to the end of the year 1784, with the current interest at ten per cent.; the cavalry loan made up[2] to the same period with the current interest at twelve per cent.; the debt consolidated in 1777 made up to the same period with the current interest at twelve per cent. to November, 1781, and from thence with the current interest at six per cent.: that the annual twelve lacs should be applied; 1. To the growing interest on the cavalry loan at twelve per cent.; 2. To the growing interest on the debt of 1777 at six per cent.; 3. Of the remainder, one-half to the payment of the growing interest and liquidation of the principal of the loan of 1767, the other half to the liquidation of the debt which the Nabob, beside his debt to individuals, owed to the Company: that when the loan of 1767 should thus be discharged, the twelve lacs should be applied; 1. To the growing interest of the loan of 1777; 2. Of the remainder, one-half to pay the interest and liquidate the principal of the cavalry loan, the other half to the liquidation of the debt to the Company: that when the cavalry loan should thus be dis-

[1] This classification seems to have been adopted from a pamphlet entitled "A clear and candid exposition of the origin, progress, and state of the several loans made to Mohammed Ally Khan, from 1760 to 1777."—W.

[2] "*Made up*," means augmented by the addition of interest due.

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charged, the twelve lacs should be applied, in the proportion of five lacs to the interest and principal of the loan of 1777, seven lacs to the debt due to the Company: and lastly, when the debt due to the Company should thus be discharged, that the whole of the twelve lacs should go to the extinction of the debt of 1777.

The Directors remonstrated, but very humbly. "My Lords and Gentlemen,—It is with extreme concern that we express a difference of opinion with your Right Honourable Board, in this early exercise of your controlling power; but, in so novel an institution it can scarce be thought extraordinary, if the exact boundaries of our respective functions and duties should not at once, on either side, be precisely and familiarly understood, and therefore confide in your justice and candour, for believing that we have no wish to evade or frustrate the salutary purposes of your institution, as we on our part are thoroughly satisfied that you have no wish to encroach on the legal powers of the East India Company; we shall proceed to state our objections to such of the amendments as appear to us to be either insufficient, inexpedient, or unwarranted." And under the head of, private debts of the Nabob of Arcot, "You are pleased," they say, "to substantiate at once the justice of all those demands which the act requires us to investigate." After "submitting," which is all that they presume to do, "to the consideration" of the Board, whether "the express direction of the act, to examine the nature and origin of the debts," had thus been "complied with;" and likewise "submitting," whether inquiry could have done any harm; they add, "But to your appropriation of the fund, our duty requires that we should state our strongest dissent. Our right to be paid the arrears of those expenses by which, almost to our own ruin, we have preserved the country, and all the property connected with it, from falling a prey to a foreign conqueror, surely stands paramount to all claims, for former debts, upon the revenues of a country so preserved, even if the legislature had not expressly limited the assistance to be given to private creditors to be such as should be consistent with our rights. The Nabob had, long before passing the act, by treaty with our Bengal government, agreed to pay us seven lacs of pagodas, as part of the twelve lacs, in liqui-

dation of those arrears; of which seven lacs the arrangement you have been pleased to lay down would take away from us more than the half and give it to private creditors, of whose demands there are only about a sixth part which do not stand in a predicament that you declare would not entitle them to any aid or protection from us in the recovery thereof, were it not upon grounds of expediency. Until our debt shall be discharged, we can by no means consent to give up any part of the seven lacs to the private creditors." [1]

The correspondence upon this subject between the Court of Directors and the Board of Control passed during the months of October and November in the year 1784. The Board of Control persisted in the plan which it had originally adopted. And on the 28th of February, 1785, it was moved by Mr. Fox, in the House of Commons, that the directions which had in consequence been transmitted to India, should be laid before the House. A vehement debate ensued, in which Mr. Burke delivered that celebrated speech, which he afterwards published, under the title of "Mr. Burke's Speech on the Motion made for Papers relative to the Directions for charging the Nabob of Arcot's Private Debts to Europeans on the Revenues of the Carnatic." Mr. Dundas defended the Board of Control: by showing that, whatever might be the natural and obvious meaning of the words of the legislature commanding inquiry, and committing that inquiry to the Court of Directors; it was yet very possible for the strong party to torture them into a meaning, which enabled the strong party to do what it pleased: by asserting that the Directors had sufficient materials in the India House for deciding upon all three classes of debts; though the opinion of the Directors themselves was precisely the reverse: by observing, that, if any improper claim under any of the three classes was preferred, it was open to the Nabob, to the Company, and to the other creditors, to object. The only object, which, as far as can be gathered from the report of his speech, he held forth as about to be gained, by superseding that inquiry, which all men, but himself and his majority in parliament, would have con-

[1] Beside the Parliamentary Papers, these documents are found in the Appendix to Burke's speech on the Nabob of Arcot's Debts.

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cluded to be the command of the legislature, was, that this measure would not leave "the Nabob an opportunity to plead in excuse for not keeping his payments to the Company, that he was harassed by the applications of his private creditors."[1]

Mr. Burke took a very extensive view of the Indian policy of the ministers. The most curious and important part of his speech; and that is important indeed; is the part, where he undertakes to show what was the real motive for superseding that inquiry which was called for by the legislature, and for deciding at once, and in the lump, upon a large amount of suspicious and more than suspicious demands. The motive, which he affirms, and in support of which he adduces as great a body of proof as it is almost ever possible to bring, to a fact of such a description (facts of that description, though of the highest order of importance, are too apt to exhibit few of those marks which are commonly relied upon as matter of evidence), was no other than that baneful source of all our misgovernment, and almost all our misery, *Parliamentary Influence.* It was to hold the corrupt benefit of a large parliamentary interest, created by the creditors and creatures, fraudulent and not fraudulent, of the Nabob of Arcot, that, according to Mr. Burke, the ministry of 1784 decided they should all, whether fraudulent or not fraudulent, receive their demands. "Paul Benfield is the grand parliamentary reformer. What region in the empire, what city, what borough, what county, what tribunal in this kingdom, is not full of his labours. In order to station a steady phalanx for all future reforms, this public-spirited usurer, amidst his charitable toils for the relief of India, did not forget the poor rotten constitution of his native

[1] How wretched his foresight, if he really was sincere in this opinion, and how little he was capable of calculating the effects of his own measures, soon appeared by the event. "The actual loss," says Mr. Hume, "by this proceeding of the Board of Control, is not limited to the large sum which has been paid; for the knowledge of the fact, that Mr. Dundas had in that manner admitted, without any kind of inquiry, the whole claims of the consolidated debt of 1777, served as a strong inducement to others, to get from the Nabob obligations or bonds of any description, in hopes that some future good-natured President of the Board of Control, would do the same for them. We accordingly find, that an enormous debt of near thirty millions sterling, was very soon formed after that act of Mr. Dundas, and urgent applications were soon again made to have the claims paid in the same manner." Speech of Joseph Hume, Esq., at a General Court of Proprietors at the East India House, on the 9th of June, 1814, p. 23.

country. For her, he did not disdain to stoop to the trade of a wholesale upholsterer for this house, to furnish it, not with the faded tapestry figures of antiquated merit, such as decorate, and may reproach, some other houses, but with real solid, living patterns of true modern virtue. Paul Benfield made (reckoning himself) no fewer than eight members in the *last* parliament. What copious streams of pure blood must he not have transfused into the veins of *the present!*"

But the occasions of Mr. Benfield had called him to India. "It was, therefore," continues Mr. Burke, "not possible for the minister to consult personally with this great man. What then was he to do? Through a sagacity that never failed him in these pursuits, he found out in Mr. Benfield's representative his exact resemblance. A specific attraction, by which he gravitates towards all such characters, soon brought our minister into a close connexion with Mr. Benfield's agent and attorney; that is, with the grand contractor (whom I name to honour) Mr. Richard Atkinson; a name that will be well remembered as long as the records of this house, as long as the records of the British treasury, as long as the monumental debt of England, shall endure! This gentleman, Sir, acts as attorney for Mr. Paul Benfield. Every one who hears me is well acquainted with the sacred friendship and the mutual attachment that subsist between him and the present minister. As many members as chose to attend in the first session of this parliament can best tell their own feelings at the scenes which were then acted." After representing this Atkinson, as the man whose will directed in framing the articles of Mr. Pitt's East India Bill, Mr. Burke proceeds: "But it was necessary to authenticate the coalition between the men of Intrigue in India, and the minister of Intrigue in England, by a studied display of the power of this their connecting link. Every trust, every honour, every distinction was to be heaped upon him. He was at once made a Director of the India Company; made an Alderman of London; and to be made, if ministry could prevail (and I am sorry to say how near, how very near they were to prevailing), representative of the capital of this kingdom, But to secure his services against all risk, he was brought in for a ministerial

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borough. On his part he was not wanting in zeal for the common cause. His advertisements show his motives, and the merits upon which he stood. For your minister, this worn-out veteran submitted to enter into the dusty field of the London contest; and you all remember that in the same virtuous cause, he submitted to keep a sort of public office, or counting-house, where the whole business of the last general election was managed. It was openly managed, by the direct agent and attorney of Benfield. It was managed upon Indian principles, and for an Indian interest. This was the golden cup of abominations; this the chalice of the fornications of rapine, usury, and oppression, which was held out by the gorgeous Eastern harlot; which so many of the people, so many of the nobles of this land, had drained to the very dregs. Do you think that no reckoning was to follow this lewd debauch? that no payment was to be demanded for this riot of public drunkenness, and national prostitution? Here! you have it, here before you. The principal of the grand election manager must be indemnified. Accordingly the claims of Benfield and his crew must be put above all inquiry."

This is a picture! It concerns my countrymen to contemplate well the features of it. I care not to what degree it may please any one to say that it is not a likeness of the group that sat for it. To me it is alone of importance to know, that, if it presents not an individual, it presents, and with consummate fidelity, a *family* likeness; that it represents the tribe; that such scenes, and such exactly, were sure to be acted, by the union between Indian influence and parliamentary influence; that such was sure to be the game, which would be played into one another's hands, by Indian corruption, and parliamentary corruption, the moment a proper channel of communication was opened between them.

The points to which Mr. Burke adverts in the next place, are of a more tangible nature. "Benfield," he says, "for several years appeared as the chief proprietor, as well as the chief agent, director, and controller of this system of debt. My best information goes to fix his share at 400,000*l*. By the scheme of the present ministry for adding interest to the principal, that smallest of the sums ever

mentioned for Mr. Benfield will form a capital of 592,000*l.*, at six per cent. interest. Benfield has thus received, by the ministerial grant before you, an annuity of 35,520*l.* a-year, charged on the public revenue." [1]

After several other remarks on the proceedings of Benfield, he thus sums up: "I have laid before you, Mr. Speaker, I think with sufficient clearness, the connexion of ministers with Mr. Atkinson at the general election; I have laid open to you the connexion of Atkinson with Benfield; I have shown Benfield's employment of his wealth in creating a parliamentary interest to procure a ministerial protection; I have set before your eyes his large concern in the debt, his practices to hide that concern from the public eye; and the liberal protection which he has received from the minister. If this chain of circumstances do not lead you necessarily to conclude that the minister has paid to the avarice of Benfield the services done by Benfield's connexion to his ambition, I do not know any thing short of the confession of the party that can persuade you of his guilt. Clandestine and collusive practice can only be traced by combination and comparison of circumstances. To reject such combination and comparison is to reject the only means of detecting fraud; it is, indeed, to give it a patent, and free license, to cheat with impunity. I confine myself to the connexion of ministers mediately or immediately with only two persons concerned in this debt. How many others, who support their power and greatness within and without doors, are concerned originally, or by transfers of these debts, must be left to general opinion. I refer to the Reports of the Select Committee for the proceedings of some of the agents in these affairs, and their attempts, at least, to fur-

[1] Mr. Hume applied to the Directors in 1814, for information relative to the money which had been paid by the Company, under this decision of the Board of Control; also for a copy of instructions which the Directors proposed to send out to the Presidency, for separating the true from the fraudulent debts, and which instructions the Board of Control superseded. In both instances, the application was unsuccessful; and Mr. Hume, from the best information he could obtain, places the amount at nearly 5,000,000*l.* "These claims," he says, "for what was called the consolidated debt of 1777, 'of which the Directors had never heard until 1776, and had never been able to obtain any satisfactory information,' amounted, with high interest made up to the end of 1784, to the sum of 54,98,500 pagodas, or 2,199,400*l.*; and, agreeably to the orders of the Board of Control, sent out at that and subsequent periods, the total had been paid in 1804, with nearly twenty years' interest, amounting in the whole to near five millions sterling." Speech, ut supra, p. 22.

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nish ministers with the means of buying general courts, and even whole parliaments, in the gross."[1]

In what proportion these ancient debts were false, and either collusive or forged, we have, as far as they were exempted from inquiry, no direct means of knowing. If a rule may be taken from those of a more modern date, when suspicion was more awake, and after all the checks of Mr. Dundas and his successors had been applied, it will be concluded that few were otherwise. The commissioners, who were appointed in the year 1805, to decide upon the claims of the private creditors of the Nabob of Arcot, had, in the month of November, 1814, performed adjudication on claims to the amount of 20,390,570*l.*, of which only 1,346,796*l.* were allowed as good, 19,043,774*l.* were rejected as bad; in other words, one part in twenty was all that could be regarded as true and lawful debt.[2]

Mr. Dundas assumed that he had done enough, when he allowed the Nabob, the Company, and other creditors to object. That this was a blind, is abundantly clear; though it is possible that it stood as much between his own eyes and the light, as he was desirous of putting it between the light and eyes of other people. Where was the use of a power given to the Nabob to object? The Nabob was one of the fraudulent parties. Or to the creditors to object? of whom the greater number had an interest in conniving at others, in order that others might connive at them. Or to the Company to object? The Company was

[1] Second Report of Select Committee, 1781.

[2] See Tenth Report of Commissioners, the last of which has yet to come to my hand, p. 469. Mr. Hume says, the claims which formed the consolidated debt of 1777, amounting to 2,199,400*l.*, were considered equally objectionable in 1774, as these new claims in 1806; and if Mr. Dundas had permitted a proper inquiry to be instituted in 1785, as the Act of 24 Geo. III. directed, there is every reason to conclude that a much larger proportion of the old than the new debt would have been rejected..... We are fully warranted in drawing the above conclusions, as the Court of Directors, and all the Governors in India, had invariably declared these claims of 1777 to be shameful, and such as *could not bear the light*. And, in 1781, the claimants had so bad an opinion of their right to the whole, that they made a voluntary offer to the government in Bengal, to take off *one fourth* from the amount of their claims, and to agree to any kind of settlement, without interest, if the Company would but sanction their title to the remainder. There is also very little doubt, I think, but that the debt of 1767, and also the cavalry debt, if properly examined, would have turned out very objectionable. And it was the duty of Mr. Dundas to have ordered the necessary inquiry into the justice of the whole, agreeably to Mr. Pitt's bill, which made no distinction in the debts of 1767 and 1777." Speech, ut supra, pp. 24, 25.

not there to object: and the servants of the Company were the creditors themselves.

It was not thus decided, by the parties on whom the power of decision depended, when the commissioners for adjudication on the debts of the Nabob were appointed in 1805. It was not accounted wisdom, then, to approve of all in the lump, and only allow the power of objection. It was thought necessary to inquire; and to perform adjudication, after inquiry, upon each particular case. The consequence is, as above disclosed, that one part in twenty, in a mass of claims exceeding twenty millions sterling, is all that is honest and true.

In this imputed collusion between the ministry and the creditors of the Nabob, it was not insinuated that the ministers had taken money for the favour which they had shown. Upon this Mr. Burke makes a remark, which is of the very highest importance. "I know that the ministers," says he, "will think it little less than acquittal, that they are not charged with having taken to themselves some part of the money of which they have made so liberal a donation to their partisans. If I am to speak my private sentiments, I think, that in a thousand cases for one, it would be far less mischievous to the public (and full as little dishonourable to themselves), to be polluted with direct bribery, than thus to become a standing auxiliary to the oppression, usury, and peculation of multitudes, in order to obtain a corrupt support to their power. It is by bribing; not so often by being bribed; that wicked politicians bring ruin on mankind. Avarice is a rival to the pursuits of many; it finds a multitude of checks and many opposers in every walk of life. But the objects of ambition are for the few: and every person who aims at indirect profit; and therefore wants other protection than innocence and law; instead of its rival becomes its instrument; there is a natural allegiance and fealty due to this domineering paramount evil from all the vassal vices; which acknowledge its superiority, and readily militate under its banners; and it is under that discipline alone, that avarice is able to spread to any considerable extent, or to render itself a general public mischief. It is, therefore, no apology for ministers, that they have not been bought by the East India delinquents; that they have

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only formed an alliance with them, for screening each other from justice, according to the exigence of their several necessities. That they have done so is evident: and the junction of the power of office in England, with the abuse of authority in the East, has not only prevented even the appearance of redress to the grievances of India, but I wish it may not be found to have dulled, if not extinguished, the honour, the candour, the generosity, the good-nature, which used formerly to characterize the people of England."

In October, 1784, the Directors appointed Mr. Holland, an old servant, on the Madras establishment, to succeed eventually to the government of Fort St. George, upon the resignation, death or removal of Lord Macartney. The Board of Control disapprove the choice; not as wrong in itself, but "open to plausible misrepresentation." The Directors not only persist in their appointment, but proceed so far as to say, that the Board are interfering in matters "to which their control professedly does not extend." The conduct of the Board of Control is characteristic. "If the reasons," say they, "which we have adduced do not satisfy the Court of Directors, we have certainly no right to control their opinion." Mr. Holland, however, is informed, that the moment he arrives in India, he will be re-called. This terminates the dispute; and Sir Archibald Campbell, a friend of Mr. Dundas, is nominated in his stead,

According to the very force of the term, the operation of control is subsequent, not precedent. Before you can control, there must be something to be controlled. Something to be controlled must be something either done or proposed. The subsequent part of transactions by no means satisfied the new organ of government for the East Indies, the Board of Control. Without an interval of reserve, the Board took upon itself to *originate* almost every measure of importance.

Intimately connected with its proceedings relative to the debts of the Nabob of the Carnatic, was the resolution formed by the Board of Control with respect to the revenues. The assignment had been adopted by the government of Madras, and approved by the Court of Directors, upon the maturest experience; as the only

means of obtaining either the large balances which were due to the Company, or of preventing that dissipation of the revenue, and impoverishment of the country by misrule, which rendered its resources unavailable to its defence, involved the Company in pecuniary distress, and exposed them continually to dangers of the greatest magnitude.

The same parties, however, whose interests were concerned in the affair of the debts, had an interest, no less decisive, in the restoration to the Nabob of the collection and disbursement of the revenues; from which so many showers of emolument fell upon those who had the vices requisite for standing under them. The same influence which was effectual for the payment of the debts was effectual also for the restoration of the revenues. The Board of Control decreed that the revenues should be restored; for the purpose, the Board declared, of giving to all the powers of India, a strong proof of the national faith.

The order for the restitution of the assignment, and the notification of the appointment of a successor, were received by Lord Macartney at the same time. The appointment of a successor he had solicited. The overthrow of his favourite measure, from a full knowledge of the interests which were united, and at work, he was led to expect. "Well apprized," he said, "of the Nabob's extensive influence, and of the ability, industry, and vigilance of his agents, and observing a concurrence of many other circumstances, I was not without apprehensions, that, before the government of Madras could have timely notice of the train, the assignment might be blown up at home; the sudden shock of which, I knew, must almost instantly overthrow the Company in the Carnatic. I, therefore, employed myself most assiduously, in making preparations, to mitigate the mischief; and by degrees collected and stored up all the money that it was possible to reserve with safety from other services and demands; so that when the explosion burst upon us, I had provided an unexpected mass, of little less than thirteen lacs of rupees, to resist its first violence."[1]

[1] Letter from Lord Macartney to the Committee of Secrecy of the Court of Directors, dated Calcutta, 27th July, 1785. How much Lord Macartney and

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In conformity with his declared determination, not to be accessary to a measure which he regarded as teeming with mischief, or a witness to the triumph of those whose cupidity he had restrained,[1] Lord Macartney chose not to hold any longer the reins of government. But one attempt he thought proper to make; which was, to return to England by way of Bengal; and endeavour to convey to the Supreme Board so correct a notion of the evils to which the recent instructions from home were likely to give birth, as might induce them to delay the execution of those orders, or at least exert themselves to prevent as far possible their pernicious effects. In less than a week, after receiving the despatches from England, he embarked, and arrived about the middle of June at Calcutta. The Governor-General and Council were too conscious of their own precarious and dependent situation, to risk the appearance of disobedience to an order, regarding what they might suppose a favourite scheme of the Board of Control. Lord Macartney, therefore, was disappointed in his expectation, of obtaining through them, a delay of the embarrassments which the surrender of the revenues would produce. He had indulged, however, another hope. If the resources of the Carnatic were snatched from the necessities of the Madras government, he believed that the want might be supplied by the surplus revenues of Bengal. "I had long before," he says, in a letter to the Secret Committee of Directors, "been so much enlivened (and your Honourable House was, no doubt, enlivened also) by the happy prospects

his Council agreed with Mr. Burke, respecting the springs which in all these transactions moved the machinery, still further appears from the following words: "The Ameer al Omrah and Mr. Benfield were well known to each other; mutual esteem did not appear to attract them to each other; but as soon as the objects of their antipathies were the same, they united at once. In this partnership, Mr. Benfield has brought his knowledge of ministers, his interest in parliament, to the former experience of his successful intrigues upon the spot." Copy of Letter from the Government of Fort St. George to that of Bengal, dated 28th May, 1783.

[1] "I considered the assignment as the rock of your strength in the Carnatic, and therefore had guarded it with vigilance against the assaults of the Durbar, and the menaces of Bengal. It had contributed largely to your support through the war, and might have secured the stability of your commerce and dominion on the coast. DIIS ALITER VISUM EST! I had long since expressed my hope of not being made a witness or an accessary to a premature surrender of it; and indeed no man could be less properly qualified on such an occasion than myself, being personally disagreeable to the Durbar, and from my knowledge of their duplicity, disaffection, and politics, totally unqualified for any negotiation that required the slightest degree of confidence to be reposed in them." Letter to the Secret Committee, 27th July, 1785.

held out in the late Governor-General's letter to you of the 16th of December, 1783, published in several newspapers, both foreign and domestic, that I flattered myself with hopes of finding such resources in Bengal alone, as might relieve any exigency or distress in the rest of India, resulting from a loss of the assignment, or from other misfortunes; but in the range of my inquiries, no distinct traces were to be discovered of these prognosticated funds. I had, it seems, formed a visionary estimate; the reality disappeared like a phantom on the approach of experiment, and I looked here for it in vain. The government declared themselves strangers to Mr. Hastings's letter, and indicated not a few symptoms of their own necessities."[1]

They, accordingly, assured Lord Macartney, "that the exhausted state of the finances of the Bengal government would not admit of any extraordinary and continued aid to Fort St. George;"[2] expressing at the same time their desire to contribute what assistance was in their power to relieve the distress, which the loss of the revenues, they acknowledged, must produce.[3]

A dangerous illness prolonged the stay of Lord Macartney at Calcutta, and previous to his departure, he received a despatch from the Court of Directors, in which was announced to him his appointment to be Governor-General of Bengal. After his removal from the Government, after the subversion of his favourite plans at Madras; an appointment, almost immediate, and without solicitation, to the highest station in the government of India, is not the clearest proof of systematic plans and correspondent execution. The motives, at the same time, appear to have been more than usually honourable and pure. Though Lord Macartney, from the praises which Mr. Fox and his party had bestowed upon him in Parliament, might have been suspected of views in conformity with theirs; though he had no connexion with the existing administration which could render it personally desirable to promote him; though the Board of Control had even entered upon the examination of the differences between

[1] Letter to the Secret Committee, 27th July, 1785.
[2] Barrow's Life of Lord Macartney, i. 282.
[3] The conduct of Lord Macartney in this important business, is displayed in a series of official documents, entitled "Papers relating to the affairs of the Carnatic," vol. ii., printed by order of the House of Commons in 1803.

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him and Mr. Hastings, with minds unfavourably disposed, the examination impressed the mind of Mr. Dundas with so strong an idea of the merits of that Lord's administration, that he induced Mr. Pitt to concur with him in recommending Lord Macartney to the Court of Directors, that is, in appointing him Governor-General of Bengal.

The gratification offered to those powerful passions, the objects of which are wealth and power, had not so great an ascendancy over the mind of Lord Macartney, as to render him insensible to other considerations. His health required a season of repose, and the salutary influence of his native climate. The state of the government in India was such as to demand reforms; reforms, without which the administration could not indeed be successful; but which he was not sure of obtaining power to effect. The members of the Bengal administration had been leagued with Mr. Hastings in opposing and undervaluing his government at Madras; and peculiar objections applied to any thought of co-operation with the person who was left by Mr. Hastings at its head.[1] He resolved, therefore, to decline the appointment; at least for a season, till a visit to England should enable him to determine, by conference with ministers and directors, the arrangements which he might have it in his power to effect.

He arrived in England on the 9th of January, 1786, and on the 13th had a conference with the chairman, and deputy-chairman, of the Court of Directors. The regulations on which he insisted, as of peculiar necessity for the more successful government of India, were two. The entire dependence of the military on the civil power he represented, as not only recommended by the most obvious

[1] This assumption, which is gratuitous, is quite at variance with the language of repeated letters from Lord Macartney to Sir John Macpherson. On the 3rd January, 1782, he writes, "Let me now thank you for your kindness in telling me what appears to you amiss in my conduct. You have acted like a true friend, and I shall ever remember it with gratitude as long as I live." On the 20th, he resumes, "In all the parts of the world I have been in, and of the various men I have transacted business with, I must say, I never was better pleased with any man than yourself. There is no pleasure equal to the sympathy of friends." The only event that could have disturbed this cordiality, the restoration of the assigned territories to the Nabob of Arcot, was the act of the Court of Directors, not of Mr. Macpherson, although it had his concurrence. This difference of opinion was scarcely sufficient to have cancelled a gratitude which Lord Macartney had professed should end only with his life. There is no reason to believe that Lord Macartney entertained any peculiar objection to a co-operation with his former friend. Case of Sir John Macpherson, 5, 6.—W.

dictates of reason, but conformable to the practice of the English government in all its other dependencies, and even to that of the East India Company, previous to the instructions of 1774; instructions which were framed on the spur of the occasion, and created two independent powers in the same administration. Secondly, a too rigid adherence to the rule of seniority in filling the most important departments of the State, or even to that of confiding the choice to the Company's servants, was attended, he affirmed, with the greatest inconveniences; deprived the government of the inestimable use of talents; lessened the motives to meritorious exertion among the servants; and fostered a spirit, most injurious to the government, of independence and disobedience as towards its head. With proper regulations in these particulars; a power of deciding against the opinion of the Council; and such changes among the higher servants, as were required by the particular circumstances of the present case, he conceived that he might, but without them he could not, accept of the government of India, with hopes of usefulness to his country, or honour to himself.

A minute of this conversation was transmitted by the Chairs to the Board of Control; and on the 20th of February, Lord Macartney met Mr. Dundas, and Mr. Pitt. Even since his arrival, Mr. Pitt, in answer to an attack by Mr. Fox, upon the inconsistency of appointing that nobleman to the chief station in the Indian government almost at the very moment when his principal measure had been reversed, had been called forth to pronounce a warm panegyric upon Lord Macartney; and to declare that, with the exception of that one arrangement, his conduct in his government had merited all the praise which language could bestow; and pointed him out as a most eligible choice for the still more important trust of Governor-General of Bengal. To the new regulations or reforms, proposed by Lord Macartney, Mr. Pitt gave a sort of general approbation; but with considerable latitude, in regard to the mode and time of alteration. Lord Macartney remarked, that what he had observed in England had rather increased than diminished, the estimate which he had formed of the support which would be necessary to counteract the opposition, which, both at home and abroad, he was sure to

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experience; and he pointed in direct terms to what he saw of the enmity of Mr. Hastings, the influence which he retained among both those who were, and those who had been the servants of the Company, as well as the influence which arose from the opinion of the favour borne to him by some of those persons who were high in the administration. His opinion was, that some distinguished mark of favour, which would impose in some degree upon minds that were adversely disposed, and proclaim to all, the power with which he might expect to be supported, was necessary to encounter the difficulties with which he would have to contend. He alluded to a British peerage, to which, even on other grounds, he conceived that he was not without a claim.

No further communication was vouchsafed to Lord Macartney; and, in three days after this conversation, he learned, that Lord Cornwallis was appointed Governor-General of Bengal. The appointment of Lord Macartney was opposed by several members of the administration, among others the Chancellor Thurlow, whose impetuosity gave weight to his opinions; it was also odious to all those among the East India Directors and Proprietors, who were the partisans either of Hastings or Macpherson. "When, therefore," says a letter of Lord Melville, "against such an accumulation of discontent and opposition, Mr. Pitt was induced by me to concur in the return of Lord Macartney to India, as Governor-General, it was not unnatural that both of us should have felt hurt, that he did not rather repose his future fortune in our hands, than make it the subject of a *sine qua non* preliminary. And I think if Lord Macartney had known us as well then as he did afterwards, he would have felt as we did." These were the private grounds: as public ones, the same letter states, that the precedent was disapproved of indicating to the world that a premium was necessary to induce persons of consideration in England to accept the office of Governor-General in India, at the very moment when the resolution was taken of not confining the high situations in India to the servants of the Company.[1]

We have now arrived at the period of another parliamentary proceeding, which excited attention by its pomp,

[1] Letter from Lord Melville, in Barrow's Macartney, i. 330.

and by the influence upon the public mind of those whose interests it affected, much more than by any material change which it either produced, or was calculated to produce, upon the state of affairs in India. In a history of those affairs, a very contracted summary of the voluminous records which are left of it, is all for which a place can be usefully found.

The parties into which parliament was now divided; the ministerial, headed by Mr. Pitt; and that of the opposition, by Mr. Fox; had, both, at a preceding period, found it their interest to arraign the government in India. The interest of the party in opposition remained, in this respect, the same as before. That of the ministry was altogether changed. It appeared to those whose interest it still was to arraign the government in India, that the most convenient form the attack could assume was that of an accusation of Mr. Hastings. The ministry had many reasons to dislike the scrutiny into which such a measure would lead. But they were too far committed, by the violent censures which they had formerly pronounced, to render it expedient for them to oppose it. Their policy was, to gain credit by an appearance of consent, and to secure their own objects, as far as it might be done, under specious pretences, during the course of the proceedings.

The vehement struggles of the parliamentary parties had prevented them, during the year 1784, from following up by any correspondent measure the violent censures which had fallen upon the administration of India. The preceding threats of Mr. Burke received a more determinate character, when he gave notice on the 20th of June, 1785, "That if no other gentleman would undertake the business, he would, at a future day, make a motion respecting the conduct of a gentleman just returned from India." On the first day of the following session, he was called upon by Major Scott, who had acted in the avowed capacity of the agent of Mr. Hastings, to produce his charges, and commit the subject to investigation. On the 18th of February, 1786, he gave commencement to the undertaking, by a motion for a variety of papers; and a debate of great length ensued, more remarkable for the criminations, with which the leaders of the two parties

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appeared desirous of aspersing one another, than for any light which it threw upon the subjects in dispute.

Mr. Burke began his speech, by requiring that the Journals of the House should be opened, and that the 44th and 45th of that series of resolutions, which Mr. Dundas had moved, and the House adopted on the 29th of May, 1782, should be read: "1. That,—for the purpose of conveying entire conviction to the minds of the native princes, that to commence hostilities, without just provocation, against them, and to pursue schemes of conquest and extent of dominion, are measures repugnant to the wish, the honour, and the policy of this nation—the parliament of Great Britain should give some signal mark of its displeasure against those,) in whatever degree intrusted with the charge of the East India Company's affairs,) who shall appear wilfully to have adopted, or countenanced, a system, tending to inspire a reasonable distrust of the moderation, justice, and good faith of the British nation:—2. That Warren Hastings, Esq., Governor-General of Bengal, and William Hornby, Esq., President of the Council at Bombay, having in sundry instances acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expenses on the East India Company, it is the duty of the Directors of the said Company, to pursue all legal and effectual means for the removal of the said Governor-General and President from their respective offices, and to recall them to Great Britain." After Mr. Burke had remarked that the present task would better have become the author of these resolutions than himself, he vented his sarcasms on a zeal against Indian delinquency, which was put on, or put off, according as convenience suggested; exhibited a short history of the notice which parliament had taken of Indian affairs; and, in the next place, adduced the considerations which, at the present moment, appeared to call upon the House to institute penal proceedings. It then remained for him, to present a view of the different courses, which, in such a case, it was competent for that assembly to pursue. In the first place, the House might effect a prosecution by the Attorney-General. But to this mode he had three very strong objections. First, the person who held that office appeared to be unfriendly

to the prosecution; whatever depended upon his exertions was, therefore, an object of despair. Secondly, Mr. Burke regarded a jury as little qualified to decide upon matters of the description of those which would form the subject of the present judicial inquiry. Thirdly, he looked upon the Court of King's Bench as a tribunal radically unfit to be trusted in questions of that large and elevated nature. The inveterate habit of looking, as in that court, at minute affairs, and that only in their most contracted relations, produced a narrowness of mind, which was almost invariably at fault, when the extended relations of things or subjects of a comprehensive nature were the objects to be investigated and judged.[1] A bill of pains and penalties was a mode of penal inquiry which did not, in his opinion, afford sufficient security for justice and fair dealing towards the party accused. The last mode of proceeding, to which the House might have recourse, was that of impeachment; and that was the mode, the adoption of which he intended to recommend. He should, however, propose a slight departure from the usual order of the steps. Instead of urging the House to vote immediately a bill of impeachment, to which succeeded a Committee by whom the articles were framed, he should move for papers, in the first instance: and then draw up the articles with all the advantage in favour of justice, which deliberation and knowledge, in place of precipitation and ignorance, were calculated to yield. He concluded by a motion for one of the sets of papers which it was his object to obtain.

Mr. Dundas thought that the allusions to himself demanded a reply. He observed, that, at one time during the speech, he began to regard himself, not Mr. Hastings, as the criminal whom the Right Honourable Gentleman meant to impeach: that he was obliged, however, to those who had any charge to prefer against him, when they appeared without disguise: that he wished to meet his accusers face to face: that he had never professed any intention to prosecute the late Governor-General of India: that the extermination of the Rohillas, the aggression upon the Mahrattas, and the misapplication of the reve-

[1] "The magnitude of the trial would overwhelm," he said, "the varying multitude of lesser causes, of *meum* and *tuum*, assault and battery, conversion and trover, trespass and burglary," etc.

nue, were the points on which his condemnation rested: that he did move the resolutions which had been read; and entertained now the same sentiments which he then expressed: that the resolutions he had moved, went only to the point of recall; that though in several particulars he deemed the conduct of Mr. Hastings highly culpable, yet, as often as he examined it, which he had done very minutely, the possibility of annexing to it a criminal intention eluded his grasp; that the Directors were often the cause of those proceedings to which the appearance of criminality was attached; that after India was glutted with their patronage, no fewer than thirty-six writers had been sent out, to load with expense the civil establishment, in one year; that year of purity, when the situation of the present accusers sufficiently indicated the *shop*, from which the commodity was supplied; that subsequently to the period at which he had moved the resolutions in question, Mr. Hastings had rendered important services; and merited the vote of thanks with which his employers had thought fit to reward him. Mr. Dundas concluded, by saying, that he had no objection to the motion, and that, but for the insinuations against himself, he should not have thought it necessary to speak.

The defence, however, of Mr. Dundas is not less inconsistent than his conduct. His profession of a belief, that he himself was to be the object of the prosecution, was an affectation of wit, which proved not, though Mr. Hastings were polluted, that Mr. Dundas was pure; or that in the accusation of the former it was not highly proper, even requisite, to hold up to view what was suspicious in the conduct of the latter. Whether he ever had the intention to prosecute Mr. Hastings, was known only to himself. But that he had pronounced accusations against Mr. Hastings, which were either unjust, or demanded a prosecution, all the world could judge. When he said that the resolutions which he had moved, and which had immediately been read, implied nothing more than recall, it proved only one of two things; either that he regarded public delinquency, in a very favourable light, or that this was one of those bold assertions, in the face of evidence, which men of a certain character are always ready to make. If Warren Hastings had really, as was affirmed by Mr. Dun-

das, and voted at his suggestion by the House of Commons, "in sundry instances tarnished the honour, and violated the policy of his country, brought great calamities on India, and enormous expenses to the East India Company," had he merited nothing but recall? Lord Macartney was recalled; Sir John Macpherson was recalled; many others were recalled; against whom no delinquency was alleged. Recall was not considered as a punishment. And was nothing else due to such offences as those which Mr. Dundas laid to the charge of Mr. Hastings? But either the words of Mr. Dundas's resolutions were very ill adapted to express his meaning, or they did imply much more than recall. Of the two resolutions which Mr. Burke had required to be read, the *last* recommended the measure of recall to the Court of Directors, whose prerogative it was; the *first* recommended something else, *some signal mark of the displeasure of the Parliament of Great Britain.* What might this be? Surely not recall; which was not within the province of Parliament. Surely not a mere advice to the Directors to recall, which seems to fall wonderfully short of *a signal mark of its displeasure.* But Mr. Dundas still retained the very sentiments respecting the conduct of Mr. Hastings which he had entertained when he described it as requiring "some signal mark of the displeasure of the British Parliament;" yet, as often as he examined that conduct, the possibility of annexing to it a criminal intention eluded his grasp: nay, he regarded Mr. Hastings as the proper object of the Company's thanks; that is to say, in the opinion of Mr. Dundas, Mr. Hastings was, at one and the same moment, the proper object of "some signal mark of the displeasure of the British Parliament," and of a vote of thanks at the East India House. The Court of Directors were the cause of the bad actions of Mr. Hastings. Why then did Mr. Dundas pronounce those violent censures of Mr. Hastings? And why did he profess that he now entertained the same sentiments which he then declared? He thought him culpable, forsooth, but not criminal; though he had described him as having "violated the honour and policy of his country, brought great calamities upon India, and enormous expense on his employers;" so tenderly did Mr. Dundas think it proper to deal with public offences,

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which he himself described as of the deepest dye! But he could not affix criminal *intention* to the misconduct of Mr. Hastings. It required much less ingenuity than that of Mr. Dundas, to make it appear that there is no such thing as criminal intention in the world. 'The man who works all day to earn a crown, and the man who robs him of it, as he goes home at night, act, each of them, with the very same intention; that of obtaining a certain portion of money. Mr. Dundas might have known, that criminal intention is by no means necessary to constitute the highest possible degree of public delinquency. Where is the criminal intention of the sentinel who falls asleep at his post? Where was the criminal intention of Admiral Byng, who suffered a capital punishment? The assassin of Henry the Fourth of France was doubtless actuated by the purest and most heroic intentions. Yet who doubts that he was the proper object of penal exaction? Such are the inconsistencies of a speech, which yet appears to have passed as sterling, in the assembly to which it was addressed; and such is a sample of the speeches which have had so much influence in the government of this nation!

The year in which Mr. Fox had been minister was accused of overloading the patronage of India; and Mr. Dundas hazarded a curious proposition, to which his experience yielded weight, that the circumstance of who was minister always indicated the *shop*, as he called it, from which Indian patronage was retailed.[1] This called up Mr. Fox, who began by declaring that he spoke on account solely of the charges which had been levelled against him-

[1] Mr. Dundas did not intimate that the circumstance of who was minister, "always" indicated the shop for Indian patronage. He indicated it in one specific case only, that of the administration of 1783, and why? This should have been stated, if it was worth while to have noticed the subject at all. Hastings had written home in 1782, complaining of the situation he was in, in consequence of so many writers being sent out to him, declaring that he had at that time, 250 young men, the younger sons of the first families in Great Britain, all gaping for lacs, and scrambling for patronage. Notwithstanding this remonstrance, thirty-six writers were sent out in 1783. Fox and Burke disclaimed for themselves any hand in these appointments; but it seems to have been understood, on both sides of the House, that the ministry of the time, of which they were members, were not unconcerned in the abuse of patronage. This overloading of the India Service, was at once a source of embarrassment to the government, and disappointment to the individuals; and the latter was very likely to have brought upon Hastings much of the opposition which his measures encountered, and much of the animosity which he personally experienced.—W.

self. Surmise might be answered, he thought, by assertion; and, therefore, he solemnly declared, that he had never been the cause of sending out except one single writer to India, and that during the administration of Lord Shelburne. The consistency, however, of the Honourable Gentleman, suggested strongly a few remarks, notwithstanding his boasted readiness to face his opponents. The power of facing, God knew, was not to be numbered among his wants; even when driven, as on the present occasion, to the miserable necessity of applauding, in the latter part of his speech, what he condemned in the former. His opinion of Mr. Hastings remained the same as when he arraigned him; yet he thought him a fit object of thanks. He condemned the Rohilla war; the treaty of Poorunder; and the expense of his administration. Gracious heaven! Was that all? Was the shameful plunder of the Mogul Emperor, the shameful plunder of the Raja of Benares, the shameful plunder of the Princesses of Oude, worthy of no moral abhorence, of no legal visitation? Was the tender language now held by the Honourable Gentleman, respecting the author of those disgraceful transactions, in conformity either with the facts, or his former declarations? Mr. Pitt rose in great warmth, to express, he said, some part of the indignation, with which his breast was filled, and which he trusted, no man of generous and honourable feelings could avoid sharing with him. Who had accused his Honourable Friend of guilt, in now applauding the man whom he had formerly condemned? Who, but he, who, in the face of Europe, had united councils with the man whom for a series of years he had loaded with the most extravagant epithets of reproach, and threatened with the severest punishment! The height of the colouring which that individual had bestowed upon the supposed inconsistency of his friend, might have led persons unacquainted with his character, to suppose that he possessed a heart really capable of feeling abhorrence at the meanness and baseness of those who shifted their sentiments with their interests. As to the charge of inconsistency against his Honourable Friend, was it not very possible for the conduct of any man to merit, at one time, condemnation, at another, applause? Yet it was true, that the practice of the accuser had in-

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structed the world in the merit of looking to persons, not to principles! He then proceeded to extenuate the criminality of the Rohilla war. And concluded, by ascribing the highest praise to that portion of the administration of Hastings which had succeeded the date of the resolutions of Mr. Dundas.

On this speech, what first suggests itself is, that a great proportion of it is employed, not in proving that Mr. Dundas had not, but in proving that Mr. Fox had, been corruptly inconsistent. In what respect, however, did it clear the character of Mr. Dundas, to implicate that of the man who accused him? How great soever the baseness of Mr. Fox, that of Mr. Dundas might equal, and even surpass it. True, indeed, the conduct of a man, at one time bad, might, at another time, be the reverse. But would that be a good law which should exempt crimes from punishment, provided the perpetrators happened afterwards to perform acts of a useful description? A man might thus get securely rich by theft and robbery, on the condition of making a beneficent use of the fruits of his crimes. "The former portion of the administration of Mr. Hastings was criminal; the latter meritorious." It suited the minister's present purpose to say so. But they who study the history, will probably find, that of the praise which is due to the administration of Mr. Hastings, a greater portion belongs to the part which Mr. Pitt condemns, than to that which he applauds: to such a degree was either his judgment incorrect, or his language deceitful.[1]

[1] The abstract and criticisms of this debate are partial and uncandid. The 45th Resolution of the Committee imposed upon the Directors of the East India Company, "The duty of pursuing all legal and effectual means for the removal of Warren Hastings and William Hornby *from* their respective offices, and their recall to Great Britain." In proposing such a resolution, most certainly Mr. Dundas gave no intimation whatever, much less a pledge, of his intending to propose that parliament should undertake a duty thus specially imposed upon the Court. Much less was it incumbent on him, or any member of the government, to suggest further proceedings, when the result of the Court's recourse to legal measures to carry the Resolution of the House of Commons into execution, was the confirmation by those vested with lawful authority, the Court of Proprietors, of the individuals whom it had been proposed to remove. Again, supposing that the measures anterior to the resolution of the 26th May, 1782, had been proved, as they were not, "repugnant to the wish, and the honour and policy of the nation," where was the inconsistency of admitting their exculpation by subsequent merits? The principle laid down by Mr. Pitt, is that alone by which the conduct of persons in office can be equitably tested. "He held it," he observed, "absolutely necessary in point of justice and of right, to examine the whole of the public conduct of any

The production of the papers was not opposed, till a motion was made for those relating to the business of Oude during the latter years of Mr. Hastings's administration. To this Mr. Pitt objected. He said it would introduce new matter; and make the ground of the accusation wider than necessary. He wished to confine the judicial inquiry to the period embraced in the reports of the Committees of 1781. Mr. Dundas stood up for the same doctrine. If the object, however, was to do justice between Mr. Hastings and the nation, it will be difficult to imagine a reason, why one, rather than another part of his administration should escape inquiry. Even the friends, however, of Mr. Hastings urged the necessity of obtaining the Oude papers; and, therefore, they were granted.

A motion was made for papers relative to the Mahratta peace. It was opposed, as leading to the discovery of secrets. On ground like this, it was replied, the minister could never want a screen to any possible delinquency. A motion for the papers relative to the negotiations which Mr. Hastings had carried on at Delhi in the last months of his administration, was also made, and urged with great importunity. It was opposed on the same grounds, and both were rejected.

During the debates on these motions, objections had begun to be started, on the mode of procedure which Mr. Burke had embraced. To call for papers relative to misconduct, and, from the information which these might afford, to shape the charges by the guilt, was not, it was contended, a course which parliament ought to allow. The charges ought to be exhibited first; and no evidentiary matter ought to be granted, but such alone as could be shown to bear upon the charge. These objections, however, produced not any decisive result, till the 3rd of April, when Mr. Burke proposed to call to the bar some of the gentlemen who had been ordered, as witnesses to attend. On this occasion, the crown lawyers opposed in

servant of the people, to give him due credit for such parts as were meritorious, as well as to censure him for such as were culpable; and, for his own part, he should not hesitate for one moment to declare, that however censurable some parts of Mr. Hastings' conduct might be made to appear, he must, notwithstanding, consider such as were praiseworthy as entitled to the warmest approbation. Nay, as a sufficient ground for reward and thanks, could they be proved to predominate over what was exceptionable."—W.

phalanx. Their speeches were long, but their arguments only two. Not to produce the charges in the first instance, and proof, strictly confined to those charges, was unfair, they alleged, to the party accused. To produce the charges first, and no proof but what strictly applied to the charges, was the mode of proceeding in the Courts of Law. Mr. Burke, and they who supported him, maintained, that this was an attempt to infringe the order of procedure already adopted by the House; which had granted evidence in pursuance of its own plan; had formed itself into a Committee for the express purpose of receiving evidence; and had summoned witnesses to be at that moment in attendance. They affirmed, that the mode of proceeding, by collecting evidence in the first instance, and then educing the charges, was favourable to precision and accuracy; that the opposition, which it experienced, savoured of a design to restrict evidence; and that the grand muster of the crown lawyers for such a purpose was loaded with suspicion. The House, however, agreed with the lawyers; which is as much as to say, that such was the plan of the minister; and the accuser was obliged to invert the order of his steps. Some elucidation of the incident is strongly required.

To collect some knowledge of the facts of the supposed delinquency; to explore the sources of evidence; to seek to throw light upon the subject of the accusation; to trace the media of proof from one link to another, often the only way in which it can be traced; and, when the subject is thus in some degree understood, to put the matter of delinquency into those propositions which are the best adapted to present it truly and effectually to the test of proof, is not, say the lawyers, the way to justice. Before you are allowed to collect one particle of knowledge respecting the facts of the delinquency; before you are allowed to explore a single source of evidence, or do any one thing which can throw light upon the subject, you must put the matter of delinquency, which you are allowed, as far as the lawyers can prevent you, to know nothing about, into propositions for the reception of proof. And having thus made up the subject, which you know nothing about, into a set of propositions, such as ignorance has enabled you to make them, you are to be restrained from

adducing one particle of evidence to any thing but your first propositions, how much soever you may find, as light breaks in upon you, that there is of the matter of delinquency, which your propositions, made by compulsion under ignorance, do not embrace. And this is the method, found out and prescribed by the lawyers, for elucidating the field of delinquency, and ensuring the detection of crime!

To whom is the most complete and efficient production of evidence unfavourable? To the guilty individual. To whom is it favourable? To all who are innocent, and to the community at large. Evidence, said the lawyers, shall not be produced, till after your charges, because it may be unfavourable to Mr. Hastings.

If they meant that partial evidence might operate unequitably on the public mind, the answer is immediate: why allow it to be partial? Mr. Hastings knew the field of evidence far better than his accusers, and might call for what he required.

The lawyers were very merciful. It was a cruel thing to an innocent man, to have evidence of guilt exhibited against him; and every man should be presumed innocent, till proved guilty. From these premises, there is only one legitimate inference; and that is, that evidence of guilt should never be exhibited against any man.

The rule of the lawyers for the making of propositions is truly their own. It is, to make them out of nothing. All other men, on all occasions, tell us to get knowledge first; and then to make propositions. Out of total ignorance, how can any thing the result of knowledge be made?—No, say the lawyers; make your propositions, while in absolute ignorance; and, by help of that absolute ignorance, show, that even the evidence which you call for is evidence to the point. It is sufficiently clear, that when the man who endeavours to throw light upon delinquency is thus compelled to grope his way in the dark, a thousand chances are provided for delinquency to escape.

When a rule is established by lawyers, and furiously upheld; a rule pregnant with absurdity, and contrary to the ends of justice, but eminently conducive to the profit and power of lawyers, to what sort of motives does com-

mon sense guide us in ascribing the evil? Delinquency produces law-suits; law-suits produce lawyers' fees and lawyers' power; whatever can multiply the law-suits which arise out of delinquency, multiplies the occasions on which lawyers' power and profit are gained. That a rule to draw up the accusatory propositions before inquiry, that is, without knowledge, and to adduce evidence to nothing but those propositions which ignorance drew, is a contrivance, skilfully adapted to multiply the law-suits to which delinquency gives birth, is too obvious to be capable of being denied.

And what is the species of production, which their rule of acting in the dark enables the lawyers themselves, in the guise of the writing of accusation or bill of indictment, to supply? A thing so strange, so extravagant, so barbarous, that it more resembles the freak of a mischievous imagination, playing a malignant frolic, than the sober contrivance of reason, even in its least instructed condition.

Not proceeding by knowledge, but conjecture, as often as the intention is really to include, not to avoid including, the offence, they are obliged to ascribe to the supposed delinquent, not one crime, but all manner of crimes, which bear any sort of resemblance to that of which they suppose him to have been really guilty; in order, that, in a multitude of guesses, they may have some chance to be right in one.

And this course they pretend to take, out of tenderness to the party accused. To save him from the pain of having evidence adduced to the one crime of which he is guilty, they solemnly charge him with the guilt of a great variety of crimes. Where innocence really exists, the production of evidence is evidence to innocence, and is the greatest favour which innocence, under suspicion, can receive.

The absurdities, with which, under this irrational mode of procedure, a bill of indictment is frequently stuffed, far exceed the limits of ordinary belief. Not only are the grossest known falsehoods regularly and invariably asserted, and found by juries upon their oaths; but things contradictory of one another, and absolutely impossible in nature. Thus, when it is not known in which of two ways

a man has been murdered, he is positively affirmed to have been murdered twice; first to have been murdered in one way; and after being murdered in that way, to be murdered again in another.

The truth, in the meantime, is, that a system of preliminary operations, having it for their object to trace out and secure evidence for the purpose of the ultimate examination and decision, so far from being adverse to the ends of justice, would form a constituent part of every rational course of judicial procedure. By means of these preparatory operations, the judge would be enabled to come to the examination of the case, with all the circumstances before him on which his decision ought to be grounded, or which the nature of the case allowed to be produced. Without these preparatory operations, the judge is always liable to come to the examination with only a small part of the circumstances before him, and very seldom indeed can have the advantage of the whole. The very nature of crime, which as much as possible seeks concealment, implies that the evidence of it must be traced. Some things are only indications of other indications. The last may alone be decisive evidence of guilt; but evidence, which would have remained undiscovered, had the inquirer not been allowed to trace it, by previously exploring the first. One man may be supposed to know something of the crime. When examined, he is found to know nothing of it himself, but points out another man, from whom decisive evidence is obtained. If a preliminary procedure for the purpose of tracing evidence is allowed, the persons and thnigs whose evidence is immediate to the fact in question, are produced to the judge; and the truth is ascertained. If the preliminary procedure is forbidden, the persons and things, whose evidence would go immediately to the facts in question, are often not produced to the judge; and in this and a thousand other ways, the means of ascertaining the truth, that is of satisfying justice, are disappointed of their end.

It thus appears, that a confederacy of crown lawyers and ministers, with a House of Commons at their beck, succeeded in depriving the prosecution of Mr. Hastings of an important and essential instrument of justice, of which not that cause only, but every cause ought to have the

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advantage; and that they succeeded on two untenable grounds; first, because the search for evidence was unfavourable to Mr. Hastings, which was as much as to say, that Mr. Hastings was guilty, not innocent; next, because it was contrary to the practice of the courts of law; as if the vices of the courts of law ought not only to be inviolate on their own ground, but never put to shame and disgrace by the contrast of virtues in any other place![1]

Mr. Burke being thus compelled to produce the particulars of his accusation, before he was allowed by aid of evidence to acquaint himself with the matter of it,[2] exhibited nine of his articles of charge on the fourth of April, and twelve more in the course of the following week. I conceive that in this place nothing more is required than to give indication of the principal topics. These were, the Rohilla war; the transactions respecting Benares and its Raja; the measure by which Corah and Allahabad, and the tribute due for the province of Bengal, were taken from the Mogul; the transactions in Oude respecting the Begums, the English Residents, and other affairs; those regarding the Mahratta war, and the peace by which it was concluded; the measures of internal administration, including the arrangements for the collection of the revenues and the administration of justice, the death of Nuncomar, and treatment of Mohammed Reza Khan; disobedience of the commands, and contempt for the authority, of the Directors; extravagant expense, for the purpose of creating

[1] For a profound elucidation of what he calls Investigatorial Procedure, see Mr. Bentham's Treatise, entitled Scotch Reform.

[2] If this were true, it would argue Burke capable of atrocious iniquity. To prefer a charge without being acquainted with the matter of it, would be a most infamous species of delation. But it is not true. Burke's charges were avowedly framed upon the investigations of the Select Committee, and upon documents already in his possession; and so little were his accusations affected by the decision of the 3rd of April, that they were preferred on the following day. In all that has been previously said upon this subject, it has been forgotten, that in theory at least, the question was not the guilt or innocence of Hastings. He was not supposed to be upon his trial. The proceedings were preliminary, and amounted to no more than to determine whether there were reasonable grounds why the House of Commons should become his accusers. Proof of this, as in the Bills found by a Grand Jury, did not render it necessary to exhaust evidence; and it was the more necessary to be reserved in calling for it, as whatever might be the professed principles of the proceedings of the House, they could not fail to prejudice the accused. It is argued, indeed, that the evidence was as likely to clear as to condemn Hastings; but here again it is forgotten, that evidence on one side only was demanded, evidence in support of the accusation. A perusal of the debate will satisfy every impartial mind, that the lawyers were more rational than the rhetoricians.—W.

dependants and enriching favourites ; and the receipt of presents or bribes. An additional article was afterwards presented, on the 6th of May, which related to the treatment bestowed upon Fyzoolla Khan.[1] I shall not account it necessary to follow the debates, to which the motions upon these several charges gave birth, in the House of Commons ; both because they diffused little information on the subject, and because the facts have already been stated with such lights as, it is hoped, may suffice to form a proper judgment upon each.

Not only, on several preliminary questions, did the ministers zealously concur with the advocates of Mr. Hastings ; but even when the great question of the Rohilla war, and the ruin of a whole people, came under discussion, Mr. Hastings had the decisive advantage of their support. Mr. Dundas himself, who had so recently enumerated the Rohilla war among the criminal transactions which called forth his condemnation, rose up in its defence ;[2] and the House voted, by a majority of 119 to 67, that no impeachable matter was contained in the charge.

It was not without reason, that the friends of Mr. Hastings now triumphed in the prospect of victory. Every point had been carried in his favour: the minister had steadily and uniformly lent him the weight of his irresistible power: and the most formidable article in the bill of accusation, had been rejected as void of criminating force.

The motion on the charge respecting the extermination of the Rohillas was made on the first of June. That on

[1] The better understanding of the subject seems to require a more precise detail of the charges than is given in this place, or than can be collected from the detached notices found elsewhere. As a summary recapitulation of them may be useful, it will be given at the end of this chapter.—W.

[2] The following are the words of the eighth of the resolutions, which he moved in 1781, "That too strong a confirmation cannot be given to the sentiments and resolutions of the Court of Directors and the Court of Proprietors, *in condemnation* of the Rohilla war :—That the conduct of the President and Select Committee of Bengal appears, in almost every stage of it, to have been biassed by an interested partiality to the Vizir, to transgress their own, as well as the Company's, positive and repeated regulations and orders:—That the extermination of the Rohillas was not necessary, for the recovery of forty lacs of rupees :—And that if it was expedient to make their country a barrier against the Mahrattas, there is reason to believe, that this might have been effected by as easy, and by a less iniquitous, interference of the government of Bengal ; which would, at the same time, have preserved the dominion to the *rightful* owners, and exhibited an attentive example of justice, as well as policy, to all India."

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the charge respecting the Raja of Benares was made on the 13th of the same month. On that day, however, the sentiments of Mr. Pitt appeared to have undergone a revolution. The exceptions, indeed, which he took to the conduct of Mr. Hastings, were not very weighty. In his demands upon the Raja, and the exercise of the arbitrary discretion intrusted to him, Mr. Hastings had exceeded the exigency. Upon this ground, after having joined in a sentence of impunity on the treatment of the Rohillas, the minister declared, that "upon the whole, the conduct of Mr. Hastings, in the transactions now before the House, had been so cruel, unjust, and oppressive, that it was impossible he, as a man of honour or honesty, or having any regard to faith or conscience, could any longer resist; and therefore he had fully satisfied his conscience, that Warren Hastings, in the case in question, had been guilty of such enormities and misdemeanours, as constituted a crime sufficient to call upon the justice of the House to impeach him."

Some article of secret history is necessary to account for this sudden phenomenon.[1] With the conduct of the minister, that too of the House of Commons underwent immediate revolution; the same majority, almost exactly, which had voted that there was not matter of impeachment in the ruin brought upon the Rohillas, voted that there was matter of impeachment in the ruin brought upon the Raja Cheyte Sing. The friends of Mr. Hastings vented expressions of the highest indignation; and charged the minister with treachery; as if he had been previously pledged for their support.[2]

[1] The cause is variously conjectured; some turn in the cabinet; or in the sentiments of the King, whose zeal for Mr. Hastings was the object of common fame; an increasing dread of unpopularity, from the progress of indignation in the public mind.

[2] The contemporary historian says, "The conduct of the minister on this occasion, drew upon him much indecent calumny from the friends of Mr. Hastings. They did not hesitate to accuse him, out of doors, both publicly and privately, of treachery. They declared it was in the full confidence of his protection and support, that they had urged on Mr. Burke to bring forward his charges; and, that the gentleman accused had been persuaded to come to their bar, with a hasty and premature defence. And they did not scruple to attribute this conduct in the minister to motives of the basest jealousy." Annual Register for the year 1786, chap. vii.—M.

Mr. Pitt's view of the case was as little satisfactory to the enemies, as to the friends, of Hastings. He maintained that the Government of India was fully warranted in calling upon the Zemindar of Benares for extraordinary contributions in circumstances of public emergency. To the first demand upon Cheit Sing he entertained no objection, but thought that the subsequent con-

No further progress was made in the prosecution of Mr. Hastings during that session of the parliament. But the act of Mr. Pitt for the better government of India was already found in need of tinkering. Mr. Francis, early in the session had moved for leave to bring in a bill for amending the existing law, agreeably to the ideas which he had often expressed. Upon this, however, the previous question was moved, and carried without a division.

In the course of the year 1786, no fewer than three bills for amending the late act, with regard to the government of India, were introduced by the ministers, and passed. The first [1] had for its principal object to free the Governor-General from a dependence upon the majority of his council, by enabling him to act in opposition to their conclusions, after their opinions, together with the reasons upon which they were founded, had been heard and recorded. This idea had been first brought forward by Lord North, in the propositions which he offered as the foundation of a bill, immediately before the dissolution of his ministry. It appears to have been first suggested by Mr. Dundas; and the regulation was insisted upon by Lord Macartney, as indispensable to the existence of a good government in India. It was violently, indeed, opposed by Mr. Francis, Mr. Burke, and the party who were led by them, in their ideas on Indian subjects. The institution, however, bears upon it considerable marks of wisdom. The Council were converted into a party of assessors to

duct of the Governor-General, in imposing a fine of half a million upon the Raja, for his delay in the payment of a contribution of *fifty* thousand pounds, was oppressive and unjust; but he specifically limited his censure to the exorbitancy of the fine, and expressly protested against any extension of it to the other parts of the charge. His biographer, Gifford, observes, of the feelings with which his speech was received, that, while one side wished him to exculpate the Governor-General, the other was dissatisfied with the limitation of his censure to a particular point. His conduct, however, was such as justice demanded, and conscience approved. Life of Pitt. i. 184. See also Tomline's Life of Pitt, i. 215. Where the purport of Mr. Pitt's speech is given in the same manner, "the exorbitant amount of the fine was the only unjust part of the transaction." Cheit Sing's rebellion was not to be vindicated by the plea of resistance to exaction; for he knew not that the fine intended to be levied was exorbitant, Hastings's intention to levy such fine never having been announced to him. The fine was never exacted—very probably never would have been. The intention was merely matter of conversation. Hastings was not pledged to its accomplishment; and after all, therefore, even Mr. Pitt was led to join in charging as a high crime and misdemeanour—an unfulfilled design—a design which would probably never have been carried into effect—and of which nothing could have been known but from Hastings's own honest avowal of having for a time entertained it.—W.

[1] 26 Geo. III. c. 16.

1786.

the Governor-General, aiding him by their advice, and checking him by their presence. Individual responsibility and unity of purpose were thus united with multiplicity of ideas, and with the influence, not only of eyes, to which every secret was exposed, but of recorded reasons, in defiance of which, as the assessors were honest and wise, every pernicious measure would have to be taken, and by which it would be seen that it might afterwards be tried.

The same bill introduced another innovation, which was, to enable the offices of Governor-General and Commander-in-Chief, to be united in the same person. It was undoubtedly of great importance to render the military strictly dependent upon the civil power, and to preclude the unavoidable evils of two conflicting authorities. But very great inconveniences attended the measure of uniting in the same person the superintendence of the civil and military departments. In the first place, it raised to the greatest possible degree of concentrated strength the temptations to what the parliament and ministry pretended they had the greatest aversion; the multiplication of wars, and pursuit of conquest. In the next place, the sort of talents, habits, and character, best adapted for the office of civil governor, was not the sort of talents, habits, and character, best adapted for the military functions: nor were those which were best adapted for the military functions, best adapted for the calm and laborious details of the civil administration. And, to omit all other evils, the whole time and talents of the ablest man were not more than sufficient for the duties of either office. For the same man, therefore, it was impossible, not to neglect the one set of duties, in the same degree in which he paid attention to the other.

This bill was arraigned by those who generally opposed the minister, and on the 22nd of March, when, in the language of parliament, it was committed, in other words, considered by the House, when the House calls itself a committee, Mr. Burke poured forth against it one of his most eloquent harangues. It established a despotical power, he said, in India. This, it was pretended, was for giving energy and despatch to the government. But the pretext was false. He desired to know, where that arbitrary government existed, of which dignity, energy, and

despatch, were the characteristics. To what had democracy, in all ages and countries, owed most of its triumphs, but to the openness, the publicity, and strength of its operation."[1]

Mr. Dundas called upon his opponents to inform him, whether it was not possible for despotism to exist in the hands of many, as well as in the hands of one: and he observed, that if the power of the Governor-General would be increased, so would also his responsibility. The answer was just and victorious. It is a mere vulgar error, that despotism ceases to be despotism, by merely being shared. It is an error, too, of pernicious operation on the British constitution. Where men see that the powers of government are shared, they conclude that they are also limited, and already under sufficient restraint. Mr. Dundas affirmed, and affirmed truly, that the government of India was no more a despotism, when the despotism was lodged in the single hand of the Governor-General, than when shared between the Governor and the Council. What he affirmed of increasing the force, by increasing the concentration of responsibility, is likewise so true, that a responsibility, shared, is seldom any responsibility at all. So little was there, in Burke's oratory, of wisdom, if he knew no better, of simplicity and honesty, if he did.

The second of the East India acts of this year[2] was an artifice. It repealed that part of Mr. Pitt's original act which made necessary the approbation of the King for the choice of a Governor-General. It reserved to the King the power of recall, in which the former was completely included.

The third of the acts of the same year[3] had but one object of any importance; and that was, to repeal the part of Mr. Pitt's original bill, which almost alone appears to have had any tendency to improve the government to which it referred: I mean the disclosure of the amount of

[1] Cobbett's Parl. Hist, xxv. 1276. In the same speech, Mr. Burke said, "What he, from the experience derived from many years' attention, would recommend as a means of recovering India, and reforming all its abuses, was a combination of these three things—a government by law—trial by jury—and publicity in every executive and judicial concern." Ibid. Of these three grand instruments of good government, what he meant is not very clear as to any but the last; of which the importance is, undoubtedly, great beyond expression.

[2] 26 Geo. III. c. 25.

[3] Ibid. 57.

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the property which each individual, engaged in the government of India, realized in that country. This was too searching a test; and answered the purposes neither of ministers in England, nor of the Company's servants in India.[1]

Nor was this all. There was also, during the course of this year, a fourth bill, granting relief to the East India Company: that sort of relief, for which they had so often occasion to apply, relief in the way of money. A petition from the Company was presented; and the subject was discussed in the House of Commons, on the 9th and 26th of June. The act[2] enabled them to raise money by the sale of a part, to wit, 1,207,559*l.* 15*s.* of the 4,200,000*l.*, which they had lent to the public; and also, by adding 800,000*l.* in the way of subscription to their capital stock.

On the first day of the following session, which was the 23rd of January, 1787, Mr. Burke announced, that he should proceed with the prosecution of Mr. Hastings, on the first day of the succeeding month. The business, during this session, was carried through its first and most interesting stage. The House of Commons reviewed the several articles of charge; impeached Mr. Hastings at the bar of the House of Peers; and delivered him to that judicatory for trial. Of the proceedings at this stage, it is necessary for me to advert to only the more remarkable points.

On the 7th of February, the charge relating to the resumption of the jaghires or lands of the Princesses of

[1] The following is a curious testimony to the importance of the clause which was now repealed. Major Scott, the famous agent of Mr. Hastings, in the debate of the 7th of February, 1788, on the impeachment of Sir. E. Impey, counteracting the panegyrics which had been pronounced on Mr. Francis, said, "Before I join in applauding the integrity of the Hon. Gen., I require it to be proved *by the only possible way in which his integrity can possibly be proved.* Let him come fairly, boldly, and honestly forward, as Lord Macartney has done; let him state that he left England in debt, that he was six years in India, that his expenses at home and abroad were so much, and his fortune barely the difference between the amount of his expenses and the amount of his salary. When the Hon. Gent. shall have done this, I will join the Committee of impeachment with cheerfulness, in pronouncing Mr. Francis to be one of the honestest men that ever came from Bengal. But until he shall submit to *this only true test* of his integrity, I shall pay no attention to the animated panegyrics of his friends." Cobbett's Parl. Hist. xxvi. 1425. I wish I could have availed myself of this testimony, without repeating the surmise of a man who would not have confined himself to surmise against Mr. Francis, had he anything stronger to produce.

[2] 26 Geo. III. c. 62.

Oude, the seizure of their treasure, and the connected offences, was exhibited by Mr. Sheridan in a speech which powerfully operated upon the sympathy of the hearers, and was celebrated as one of the highest efforts of English eloquence. On this subject, Mr. Pitt took a distinction between the landed estates, and the treasures. For depriving the Begums of their estates, he could conceive that reasons might exist, although peculiar delicacy and forbearance were due on the part of the English, who were actually the guarantees to the Princesses for the secure possession of those estates. But the confiscation of their treasures he thought an enormity altogether indefensible and atrocious; and the guilt of that act was increased by stifling the order of the Court of Directors, which commanded the proceedings against the Princesses to be revised. The plunder of the Chief of Furruckabad, a dependant, also, of the Nabob, whom the English were bound to protect, formed a part of the transactions to which the Governor-General became a party by the treaty of Chunar. It was made a separate article of charge. And, in the matter of that, as well as the preceding article, it was voted by large majorities, that high crimes and misdemeanours were involved. Mr. Pitt observed, that the conduct of the Governor-General, in receiving a present of enormous value from the Nabob, at the time when he let him loose to prey upon so many victims, was not justified by the pretence of receiving it for the public service, in which no exigence existed to demand recurrence to such a resource: "it could be accounted for by nothing but corruption."

In the course of these proceedings, Mr. Burke thought it necessary to call attention of the House to the difficulties under which the prosecution laboured in regard to evidence. The late Governor-General, as often as he thought proper, had withheld, mutilated, or garbled the correspondence which he was bound to transmit to the East India House. Nor was this all. Those whose duty it was to bring evidence of the charges, were often ignorant of the titles of the papers for which it was necessary to call; and papers, however closely connected with the subject, were withheld, if not technically included under the title which was given. He himself, for example, had

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moved for the Furruckabad papers, and what he received under that title, he concluded, were the whole; but a motion had been afterwards made, by another member, for the Persian correspondence, which brought forth documents of the greatest importance. To another circumstance it befitted the House to advert. The attorney of the East India Company, in vindication of whose wrongs the prosecution was carried on, was (it was pretty remarkable) the attorney, likewise, of Mr. Hastings; and while the House were groping in the dark, and liable to miss what was of most importance, Mr. Hastings and his attorney, to whom the documents in the India House were known, might, on each occasion, by a fortunate document, defeat the imperfect evidence before the House, and laugh at the prosecution.

On the charge, that expense had been incurred by Mr. Hastings for making dependants, and creating a corrupt influence, brought forward on the 15th of March, Mr. Pitt selected three particulars, as those alone which appeared to him, in respect to magnitude, and evidence of criminality, to demand the penal proceedings of parliament. These were, the contract for bullocks in 1779; the opium contract in 1780;[1] and the extraordinary emoluments bestowed on Sir Eyre Coote. In the first there were not only, he said, reprehensible circumstances, but strong marks of corruption: while the latter transaction involved in it almost every species of criminality; a violation of the faith of the Company, a wanton abuse of power against a helpless ally, a misapplication of the public property, and disobedience to his superiors, by a disgraceful and wicked evasion.[2]

[1] There were several pecuniary transactions with individuals, such as a contract for supplying the army with bullocks, a contract for feeding elephants, an agency for the supply of corn, a contract for the Company's opium, which were laid hold of by the accusers of Mr. Hastings, as either not having been performed agreeably to the rules and orders of the service, or in some way implying corruption on the part of the Governor-General, and thence included among the subjects of criminal charge. As the indications of criminality in these transactions appeared to me to fall short of proof; and as they were matters of that degree of detail, to which the limits of history do not allow it to descend, no account of them is included in the narrative of Mr. Hastings's Indian Administration.

[2] The extra allowances paid to Sir E. Coote were charged to the Nawab Vizir whilst the General was in Oude, and they were continued to him after his return to Bengal, and embarkation for Madras. Hastings admits the fact in his defence. He no doubt submitted to these arrangements to keep Sir E. Coote in good humour. And they were chargeable with indifference to expenditure, but not with the criminality imputed by the minister.—W.

On the 2nd of April, when the report of the Committee on the articles of charge was brought up, it was proposed by Mr. Pitt, that, instead of voting whether the House should proceed to impeachment, a preliminary step should be interposed, and that a committee should be formed to draw up articles of impeachment. His reason was, that on several of the particulars, contained in the articles of charge, he could not vote for the penal proceeding proposed, while he thought that on account of others it was clearly required. A committee might draw up articles of impeachment, which would remove his objections, without frustrating the object which all parties professed to have in view. After some little opposition, this suggestion was adopted. Among the names presented for the Committee was that of Mr. Francis. Objection to him was taken, on the score of a supposed enmity to the party accused; and he was rejected by a majority of 96 to 44.

On the 25th of the month, the articles of impeachment were brought up from the Committee by Mr. Burke. They were taken into consideration on the 9th of May. The formerly celebrated, then Alderman, Wilkes, was a warm friend of Mr. Hastings; and strenuously maintained that the prosecution was unjust. He said, what was the most remarkable thing in the debate, that it was the craving and avaricious policy of this country, which had, for the purpose of getting money to satisfy this inordinate appetite, betrayed Mr. Hastings into those of his measures for which a defence was the most difficult to be found. The remark had its foundation in truth; and it goes pretty far in extenuation of some of Mr. Hastings's most exceptionable acts. The famous Alderman added, that a zeal for justice, which never recognises any object that takes any thing from ourselves, is a manifest pretence. If Mr. Hastings had committed so much injustice, how disgraceful was it to be told, that not a single voice had yet been heard to cry for restitution and compensation to those who had suffered by his acts? The stain to which the reformed patriot thus pointed the finger of scorn, is an instance of that perversion of the moral sentiments to which nations by their selfishness are so commonly driven, and which it is therefore so useful to hold up to perpetual view. Among individuals, a man so corrupt could scarcely

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be found as to cry out with vehemence against the cruelty of a plunder, perpetrated for his benefit, without a thought of restoring what by injustice he had obtained.[1] There was in this debate another circumstance worthy of notice; that Mr. Pitt pronounced the strongest condemnation of those who endeavoured to set in balance the services of Mr. Hastings against the crimes, as if the merit of the one extinguished the demerit of the other. This was an attempt, he said, to compromise the justice of the country. Yet at a date no further distant than the preceding session, Mr. Pitt had joined with Mr. Dundas, when that practical statesman urged the merit of the latter part of Mr. Hastings's administration, as reason to justify himself for not following up by prosecution the condemnation which he had formerly pronounced.[2]

The articles of impeachment, which were now brought up from the Committee, received the approbation of the House; a vote for impeaching Mr. Hastings was passed;

[1] The objection was most just. Not even Burke proposed that the money said to have been extorted from the Vizir, from the Begums, from Fyzoolla Khan, should be restored to them, nor that Corah and Allahabad should be redeemed from the Vizir, and given back to Shah Alem, nor that Cheit Sing should be replaced in his Zemindary of Benares. As long as the Company reaped the advantages of these measures, as long as the nation kept firm hold of the wealth and power derived from Indian territory acquired by such means, as long as both appropriated and retained the plunder that their agents laid at their feet, it was monstrous inconsistency to denounce and punish those agents as plunderers and spoilers. At the same time, irrefutable as is the argument, it was not employed by Wilkes. The speech of the Alderman, as reported in the History of Parliament, and as published separately, although a most reasonable and manly vindication of Hastings, does not contain the passage cited in the text. Something like it occurs in the speech of Mr. Nathaniel Smith, the Chairman of the Court of Directors, who had been throughout opposed to the policy of Hastings, and had strenuously advocated his recall. He ascribed the origin of all the evils that had occurred to the financial embarrassments of the Company, consequent upon "the inconsiderate eagerness of the ministers after immediate gain from the newly-acquired revenues of India, whilst every other object was neglected." Mr. Dundas also remarked, that "no intention being to this day signified from any quarter to refund the money received by Warren Hastings, (from the native princes,) with what propriety could he be impeached for procuring it? These are the only traces of the argument found in the Report of the debate, to which it seems likely, therefore, Mr. Mill had not referred, contenting himself with the abstract of the speeches contained in the Annual Register for 1787, c. vi., where the words of the text, with others to the same purport, are given as the essence of Wilkes's speech. Parliamentary History, xxvi. 1092. Speech of Mr. Wilkes, 9th May, 1787.—W.

[2] This is not quite fairly stated: the argument used by Pitt in the first debate was, that in judging of an administration, its character should rest upon its general merits, and should not be condemned because every part of it was not equally defensible. His present assertion was, that if great crimes could be proved, they were not to be overlooked because there were great merits. To such a "set off" he objected, and so did Hastings; but errors and demerits are not necessarily "great crimes."—W.

the impeachment was carried by Mr. Burke to the bar of the Lords; Mr. Hastings was brought to that bar; admitted to bail; and allowed one month, and till the second day of the following session of parliament, to prepare for his defence.

On the 24th of April, 1787, Sir Gilbert Elliot, whose intention had been delayed by other business which was before the House, gave notice of a day on which he intended to bring forward the subject of the impeachment of Sir Elijah Impey, but, on account of the approaching termination of that session, was induced to postpone it till the next.

On the 12th of December, after an introductory speech Sir Gilbert exhibited his articles of charge. They related to five supposed offences, regarding, 1. The catastrophe of the Raja Nuncomar; 2. The Patna cause; 3. The Cossijurah cause; 4. The office of Sudder Dewannee Adaulut; 5. The Affidavits at Lucknow. They were referred to a Committee of the whole House, and on the 4th of February, 1788, Sir Elijah Impey was heard in his defence. What he advanced was confined to the subject of the first charge, his concern in the death of Nuncomar. Further discussions took place on the same subject on the 7th and 8th. On the 11th and 26th of February, and on the 16th of April, witnesses were examined at the bar, and more or less of discussion accompanied. On the 28th of April, on the 7th and 9th of May, Sir Gilbert Elliot summed up and enforced the evidence on the first of the charges, and on the last of these days moved, "That the Committee, having considered the first article, and examined evidence thereupon, is of opinion, that there is ground of impeachment of high crimes and misdemeanours against Sir Elijah Impey, upon the matter of the said article." After a debate of considerable length, the motion was negatived, by a majority of seventy-three to fifty-five. An attempt was made to proceed with the remaining articles on the 27th of May; but the business was closed by a motion to postpone it for three months. In this affair, the lawyers, as was to be expected, supported the judge. The minister, Mr. Pitt, distinguished himself by the warmth with which he took up the defence of Sir Elijah from the beginning of the investigation, and by

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the asperity with which he now began to treat Mr. Francis.[1]

The operation of Mr. Pitt's new law produced occasion for another legislative interference. In passing that law, two objects were very naturally pursued. To avoid the imputation of what was represented as the heinous guilt of Mr. Fox's bill, it was necessary, that the principal part of the power should *appear* to remain in the hands of the Directors. For ministerial advantage, it was necessary, that it should in *reality* be all taken away.

Minds drenched with terror are easily deceived. Mr. Fox's bill threatened the Directors with evils which to them, at any rate, were not imaginary. And with much art, and singular success, other men were generally made to believe, that it was fraught with mischief to the nation.

Mr. Pitt's bill professed to differ from that of his rival, chiefly in this very point, that while the one destroyed the power of the Directors, the other left it almost entire. The double purpose of the minister was obtained, by leaving them the forms, while the substance was taken away. In the temper into which the mind of the nation had been artfully brought, the deception was easily passed. And vague and ambiguous language was the instrument. The terms, in which the functions of the Board of Control were described, implied, in their most obvious import, no great deduction from the former power of the Directors. They were susceptible of an interpretation which took away the whole.

In all arrangements between parties of which the one is to any considerable degree stronger than the other, all ambiguities in the terms are sooner or later forced into that interpretation which is most favourable to the strongest party, and least favourable to the weakest. The short-sighted Directors understood not this law of human nature; possibly saw not, in the terms of the statute, any meaning beyond what they desired to see; that which the authors of the terms appeared, at the time, to have as ardently at heart as themselves.

The Directors had not enjoyed their imaginary dignities long, when the Board of Control began operations which

[1] See Parliamentary Hist. *ad dies.*

surprised them; and a struggle which they were little able to maintain immediately ensued. The reader is already acquainted with the disputes which arose on the payment of the debts of the Nabob of Arcot; and on the appointment of a successor to Lord Macartney, as Governor of Fort St. George. 1787.

Lieutenant-Colonel Ross had been guilty of what the Directors considered an outrageous contempt of their authority. In July, 1785, they dictated a severe reprimand. The Board of Control altered the despatch, by striking out the censure. The dignity of the Directors was now touched in a most sensible part. "The present occasion," they said, "appeared to them so momentous, and a submission on their part so destructive of all order and subordination in India, that they must take the liberty of informing the Right Honourable Board that no despatch can be sent to India which does not contain the final decision of the Directors on Lieutenant-Colonel Ross. The Board of Control, it is probable, deemed the occasion rather too delicate for the scandal of a struggle. It could well afford a compromise: and crowned its compliance, in this instance, with the following comprehensive declaration, "We trust, however, that by this acquiescence, it will not be understood that we mean to recognise any power in you to transmit to India either censure or approbation of the conduct of any servant, civil or military, exclusive of the control of this Board:" that is to say, they were not to retain the slightest authority, in any other capacity than that of the blind and passive instruments of the superior power.

These cases are a few, out of a number, detached for the purpose of giving greater precision to the idea of the struggle which for a time the Court of Directors were incited to maintain with the Board of Control. At last an occasion arrived which carried affairs to a crisis. In 1787, the democratical party in Holland rose to the determination of throwing off the yoke of the aristocratical party. As usual, the English government interfered, and, by the strong force of natural tendency, in favour of the aristocratical side. The French government, with equal zeal, espoused the cause of the opposite party; and a war was threatened between England and France. The Directors

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took the alarm; petitioned for an augmentation of military force; and four royal regiments, destined for that service, were immediately raised. Happily the peace with France was not interrupted. The Directors were of opinion, that now the regiments were not required. The Board of Control, however, adhered to its original design. The expense of conveying the troops, and the expense of maintaining them in India, would be very great. The finances of the Company were in their usual state of extreme pressure and embarrassment. This addition to their burdens the Directors regarded as altogether gratuitous; and tending to nothing but the gradual transfer of all military authority in India from the Company to the minister. Their ground appeared to be strong; by an act which passed in 1781, they were exempted from the payment of any troops which were not sent to India upon their requisition. They resolved to make a stand, refusing to charge the Company with the expense of the ministerial regiments. The Board of Control maintained that, by the act of 1784, it received the power, upon the refusal of the Company to concur in any measure which it deemed expedient for the government of India, to order the expense of the measure to be defrayed out of the territorial revenues. The Directors, looking to the more obvious, and, at the time of its passing, the avowed meaning of the act, which professed to confirm, not to annihilate the "chartered rights of the Company," denied the construction which was now imposed upon the words. They took the opinion of several eminent lawyers, who, looking at the same points with themselves, rather than the unlimited extent to which the terms of the act were capable of stretching, declared that the pretensions of the ministers were not authorized by law.

The question of the full, or limited, transfer of the government of India, was to be determined. The minister, therefore, resolved to carry it before a tribunal on whose decision he could depend. On the 25th of February, 1788, he moved the House of Commons for leave to bring in a bill. When the meaning of an act is doubtful, or imperfect, the usual remedy is a bill to explain and amend. Beside the confession of error which that remedy appears to imply, a confession not grateful to ministerial sensibi-

lity, something is understood to be altered by that proceeding in the matter of the law. Now, the extraordinary powers, to which the claim was at this time advanced, might, it was probable, be more easily allowed, if they were believed to be old powers, already granted, than new powers, on which deliberation, for the first time, was yet to be made. For this, or for some other reason, the ministers did not bring in a bill to explain and amend their former act, but a bill to declare its meaning. The business of a legislature is to *make* laws. To *declare the meaning of the laws*, is the business of a judicatory. What, in this case, the ministers therefore called upon the parliament to perform, was not an act of legislation, but an act of judicature. They called upon it successfully, of course, to supersede the courts of justice, and to usurp the decision of a question of law; to confound, in short, the two powers, of judicature and legislation.

In the speech, in which Mr. Pitt moved for leave to bring in the bill by means of which this act of judicature was to be performed, it was, he declared, incomprehensible to him, that respectable men of the law should have questioned that interpretation of the statute of 1784, for which he contended. "In his mind, nothing could be more clear, than that there was no one step that could have been taken previous to passing the act of 1784, by the Court of Directors, touching the military and political concerns of India, and also the collection, management, and application of the revenues of the territorial possessions, that the Commissioners of the Board of Control had not now a right to take by virtue of the powers and authority vested in them by the Act of 1784."

If every power which had belonged to the Directors, might be exerted by the Board of Control, against the consent of the Directors; but the Directors could not exercise the smallest political power, against the consent of the Board of Control, it is evident, that all political power was taken away from the Directors. The present declaration of Mr. Pitt, with regard to the interpretation of his act, was, therefore, directly contradictory to his declarations in 1783, when he professed to leave the power of the Directors regulated, rather than impaired.

Mr. Dundas, the President of the Board of Control,

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spoke a language still more precise. "It was the meaning, he affirmed, of the act of 1784, that the Board of Control, if it chose, might apply the whole revenue of India to the purposes of its defence, without leaving to the Company a single rupee."

The use to which the minister was, in this manner, about to convert the parliament, the opponents of the bill described as full of alarm. To convert the makers of law into the interpreters of law, was, itself, a circumstance in the highest degree suspicious; involved in it the destruction of all certainty of law, and by necessary consequence of all legal government. To convert into a judicature the British parliament, in which influence made the will of the minister the governing spring, was merely to erect an all-powerful tribunal, by which every iniquitous purpose of the minister might receive its fulfilment. The serpentine path, which the minister had thus opened, was admirably calculated for the introduction of every fraudulent measure, and the accomplishment of every detestable design. He finds an object with a fair complexion; lulls suspicion asleep by liberal professions; frames a law in terms so indefinite as to be capable of stretching to the point in view; watches his opportunity; and, when that arrives, calls upon an obedient parliament, to give his interpretation to their words. By this management, may be gained, with little noise or observation, such acquisitions of power, as, if openly and directly pursued, would at least produce a clamour and alarm.

When, however, the opponents of the bill contended that the act did not warrant the interpretation which the legislature was now called upon to affix; they assumed a weaker ground. They showed, indeed, that the act of 1784, was so contrived as to afford strong appearances of the restricted meaning from which the minister wished to be relieved; such appearances as produced general deception at the time;[1] but it was impossible to show, that the terms of the act were not so indefinite, as to be capable

[1] Mr. Baring said, that "when the bill of 1784 was in agitation, it had not been intimated to the Directors, that the bill gave any such power to the Commissioners of Control, as was now contended for: if they had so understood it, they would not have given their support to a bill that tended to annihilate the Company, and deprive them of all their rights and powers." Parl. Hist. xxvii. 67.

of an interpretation which involved every power of the Indian government.

It was indeed true, that when a law admits of two interpretations, it is the maxim of courts of law, to adopt that interpretation which is most in favour of the party against whom the law is supposed to operate. In parliament, the certain maxim is, to adopt that interpretation which is most favourable to the minister.

The memory of the minister was well refreshed with descriptions of the dreadful effects which he said would flow from the powers transferred to the minister by the bill of Mr. Fox. As the same or still greater powers were transferred to the minister by his own, so they were held in a way more alarming and dangerous. Under the proposed act of Mr. Fox, they would have been avowedly held. Under the act of Mr. Pitt they were held in secret, and by fraud. Beside the difference, between powers exercised avowedly, and powers exercised under a cover and by fraud, there was one other difference between the bill of Mr. Fox and that of Mr. Pitt. The bill of Mr. Fox transferred the power of the Company to commissioners appointed by parliament. The bill of Mr. Pitt transferred them to commissioners appointed by the King. For Mr. Pitt to say that commissioners chosen by the parliament were not better than commissioners chosen by the King, was to say that parliament was so completely an instrument of bad government, that it was worse calculated to produce good results, than the mere arbitrary will of a King. All those who asserted that the bill of Mr. Pitt was preferable to that of Mr. Fox, are convicted of holding, however they may disavow, that remarkable opinion.

The declaratory bill itself professed to leave the commercial powers of the company entire. Here, too, profession was at variance with fact. The commercial funds of the Company were blended with the political. The power of appropriating the one, was the power of appropriating the whole. The military and political stores were purchased in England with the produce of the commercial sales. The Presidencies abroad had the power of drawing upon the domestic treasury to a vast amount. The bill, therefore, went to the confiscation of the whole of the Company's property. It was a bill for taking the trading

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capital of a Company of merchants, and placing it at the disposal of the ministers of the crown.

Beside these objections to the general powers assumed by the bill, the particular measure in contemplation was severely arraigned. To send out to India troops, called the King's, when troops raised by the Company in India could be so much more cheaply maintained, was an act on which the mischievousness of all unnecessary expense stamped the marks of the greatest criminality. That criminality obtained a character of still deeper atrocity, when the end was considered, for which it was incurred. It was the increase of crown patronage, by the increase of that army which belonged to the crown. And what was the use of that patronage? To increase that dependence upon the crown which unites the members of the House of Commons, in a tacit confederacy for their own benefit, against all political improvement.

Another objection to the troops was drawn from what was called the doctrine of the constitution; that no troops should belong to the King, for which parliament did not annually vote the money.

Some of the Directors professed, that though the powers, darkly conveyed by the act of 1784, were not altogether concealed from them at the time; they had given their consent to the bill, from the confidence they had in the good intentions of the ministry; whom they never believed to be capable of aiming at such extravagant powers as those which they now assumed.

This body of arguments was encountered by the minister, first with the position that no interpretation of a law was to be admitted which defeated its end. But what was the end of this law of his, was a question, from the solution of which he pretty completely abstained. If it was the good government of India; he did not attempt the difficult task of proving that to *this* end the powers for which he contended were in any degree conducive. If it was the increase of ministerial influence; of their conduciveness to this end, no proof was required.

To the charge that he had introduced his act, under professions of not adding to the influence of the Crown, nor materially diminishing the powers of the Company; professions which his present proceedings completely

belied; he made answer by asserting, broadly and confidently, that it was the grand intention of the act of 1784 to transfer the government of India from the Court of Directors to the Board of Control; and that he had never held a language which admitted a different construction.

Mr. Dundas denied, what was asserted on the part of the Company, that for some time after the passing of the act, the Board of Control had admitted its want of title to the powers which now it assumed. The Company offered to produce proof of their assertion at the bar of the House. The ministers introduced a motion, and obtained a vote that they should not be allowed. No further proof of the Company's assertion, according to the rules of practical logic, could be rationally required.

To show that the Board of Control had exercised the powers which it was thus proved that they had disclaimed, Mr. Dundas was precipitated into the production of facts, which were better evidence of other points than that to which he applied them. He made the following statement: that in 1785, the resources of the Company were so completely exhausted, as to be hardly equal to payment of the arrears which were due to the army: that the troops were so exasperated by the length of those arrears as to be ripe for mutiny: and that the Board of Control sent orders to apply the Company's money to the satisfaction of the troops, postponing payments of every other description. In this appropriation, however, was it not true, that the Directors, though reluctantly, did at last acquiesce?

Mr. Dundas further contended, that without the powers in question, namely, the whole powers of government, the Board of Control would be a nugatory institution.

If the whole powers of government, however, were necessary for the Board of Control, what use was there for another governing body, without power? This was to have two governing bodies; the one real, the other only in show. Of this species of duplication the effect is, to lessen the chances for good government, increase the chances for bad; to weaken all the motives for application, honesty, and zeal in the body vested with power; and to furnish it with an ample screen, behind which its

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love of ease, power, lucre, vengeance, may be gratified more safely at the expense of its trust.

To crown the ministerial argument, Mr. Dundas advanced, that the powers which were lodged with the Board of Control, how great soever they might be, were lodged without danger, because the Board was responsible to parliament. To all those who regard the parliament as substantially governed by ministerial influence, responsibility to parliament means responsibility to the minister. The responsibility of the Board of Control to parliament, meant, according to this view of the matter, the responsibility of the ministry to itself. And all those, among whom the authors of the present bill and their followers were to be ranked as the most forward and loud, who denounced parliament as so corrupt, that it would have been sure to employ, according to the most wicked purposes of the minister, the powers transferred to it by the bill of Mr. Fox, must have regarded as solemn mockery, the talk, whether from their own lips, or those of other people, about the responsibility of ministers to parliament.

Meeting the objections to the sending of King's troops, Mr. Pitt confessed his opinion, that the army in India ought all to be on one establishment; and should all belong to the King; nor did he scruple to declare, that it was in preparation for this reform that the troops were now about to be conveyed.

With regard to the doctrine, called constitutional, about the necessity of an annual vote of parliament for the maintenance of all troops kept on foot by the King, he remarked, that the Bill of Rights, and the Mutiny Act, the only positive laws upon the subject, were so vague and indefinite (which is very true) as to be almost nugatory; that one of the advantages attending the introduction of the present question would be, to excite attention, and apply reform to that important but defective part of the constitutional law; and that he was ready to receive from any quarter the suggestion of checks upon any abuse to which the army, or the patronage of India, might appear to be exposed.

If any persons imagined, that this language, about the reform of the constitutional law, would lead to any mea-

sures for that desirable end, they were egregiously deceived. Besides, was it any reason, because the law which pretended to guard the people from the abuse of a military power was inadequate to its ends, that therefore a military force should now be created, more independent of Parliament than any which, under that law, had as yet been allowed to exist? That any danger, however, peculiar to itself, arose from this army, it was, unless for the purpose of the moment, weak to pretend.

Notwithstanding the immense influence of the minister, so much suspicion was excited by the contrast between his former professions, and the unlimited power at which he now appeared to be grasping, that the bill was carried through the first stages of its progress by very small majorities. With a view to mitigate this alarm, Mr. Pitt proposed that certain clauses should be added; the first, to limit the number of troops, beyond which the orders of the Board of Control should not be obligatory on the East India Company; the second, to prevent the Board from increasing the salary attached to any office under the Company, except with the concurrence of Directors and Parliament; the third, to prevent the Board, except with the same concurrence, from ordering any gratuity for services performed; the fourth, to oblige the Directors annually to lay before Parliament the account of the Company's receipts and disbursements.

The annexation of these clauses opened a new source of argument against the bill. A declaratory bill, with enacting clauses, involved, it was said, an absurdity which resembled a contradiction in terms. It delared that an act had a certain meaning; but a meaning limited by enactments yet remaining to be made. It declared that a law without limiting clauses, and a law with them, was one and the same thing. By the bill before them, if passed, the House would declare that certain powers had been vested in the Board of Control, and yet not vested, without certain conditions, which had not had existence. Besides, if such conditions were now seen to be necessary to prevent the powers claimed under the act from producing the worst of consequences, what was to be thought of the legislature for granting such dangerous powers? It was asked, whether this was not so disgraceful to the wisdom

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of Parliament, if it saw not the danger; so disgraceful to its virtue, if it saw it without providing the remedy, as to afford a proof, that no such powers in 1784 were meant by the legislature to be conveyed?

A protest in the upper house, signed Portland, Carlisle, Devonshire, Porchester, Derby, Sandwich, Cholmondely, Powis, Cardiff, Craven, Bedford, Loughborough, Fitzwilliam, Scarborough, Buckinghamshire,—fifteen lords—exhibits, on the subject of the patronage, the following words: "The patronage of the Company—and this seems to be the most serious terror to the people of England—the Commissioners of Control enjoy in the worst mode, without that responsibility which is the natural security against malversation and abuse. They cannot immediately appoint; but they have that weight of recommendation and influence, which must ever inseparably attend on substantial power, and which, in the present case, has not anywhere been attempted to be denied.—Nor is this disposal of patronage without responsibility the only evil that characterizes the system. All the high powers and prerogatives with which the Commissioners are vested they may exercise invisibly—and thus, for a period at least, invade, perhaps, in a great measure finally baffle, all political responsibility; for they have a power of administering to their clerks and other officers an oath of secrecy framed for the occasion by themselves; and they possess in the India House the suspicious instrument of a Secret Committee, bound to them by an oath."

CHARGES AGAINST WARREN HASTINGS.

PREFERRED ON THE 4TH APRIL, 1786.

1. That in contradiction of the positive orders of the Court of Directors, Warren Hastings furnished the Nabob of Oude, for a stipulated sum of money, to be paid to the East India Company, with a body of troops, for the declared purpose of "thoroughly extirpating the nation of the Rohillas."

2. That in violation of the agreement under which the English Government held of Shah Alem, the Dewannee of Bengal, Behar, and Orissa, and by which they engaged to pay him an annual sum of money, and to secure to him the possession of the districts of Corah and Allahabad, Warren Hastings had seized upon those districts, and sold them to the Nabob of Oude, appropriated the money to the Company's use, and withheld the annual tribute promised to the King.

3. That in violation of solemn agreements, by which Cheit Sing, the Raja of Benares, was acknowledged as an independent prince, liable only to a fixed annual contribution, the amount of which it was declared should on no ac-

count, and at no time whatever, be exceeded; Warren Hastings, on the plea of war with France, extorted from the Raja repeated augmentations of his annual contributions, and, upon his inability to discharge fresh demands, forcibly dispossessed him of his hereditary dominions, and drove him into exile.

4. That contrary to justice and equity, and the security of property, as well as to public faith, and the sanction of the Company's guarantee, Warren Hastings authorized the Nabob of Oude, a dependant or vassal of the East India Company, and over whom he possessed an entire and absolute command, to seize upon and confiscate to his own profit, the landed estates of his mother and grandmother, his kindred and principal nobility, as also the personal property of the two princesses; and that in the enforcing of these measures against the latter, they, with other females of the royal family, their servants and dependants, were treated with atrocious indignity and barbarity, in obedience to his injunctions and commands.

5. That by frequent changes in his policy, with regard to the Nawab of Furruckabad, at one while placing a British Resident in the province, at another restoring it to the oppressive superintendence of the Nawab of Oude; he had been the cause of subjecting the person and kindred of the Nawab of Furruckabad to great suffering and distress, and the whole province to misgovernment and desolation.

6. That a Hindoo prince, the Raja of Lahore, having been dispossessed of his territory by the Nawab of Oude, made frequent incursions into his former country, to the constant occurrence of disturbances, and effusion of blood; to prevent the recurrence of which, it was proposed by the officer in command, to grant the Raja a pension—that Hastings omitted to order any relief to the Raja; and that instead of any provision for the Raja, to which in equity and humanity he was entitled, a price was set upon his head, and he was hunted down and killed.

7. That in disregard of the orders of the Court of Directors, that all contracts should be publicly advertised, and certain contracts for the army should be annually renewed by public advertisement, W. Hastings did from time to time accept of private proposals, and for periods of three and five years, many of which contracts were notoriously made on disadvantageous conditions, to the great waste of the public property, and with the view of forming a party to support his measures; with which view also he created new offices, and lavished on various individuals excessive salaries and emoluments, especially on Sir Eyre Coote, the Commander-in-Chief; and that in consequence of this profusion, the cost of the civil establishment alone was raised from 205,399*l.* per annum in 1776, to 927,945*l.* in 1783.

8. That notwithstanding his covenants and engagement to receive no presents, fees, or gratuities whatever, sundry charges had been brought against Hastings for gifts or presents corruptly taken by him, some of which charges having been brought against him before the Council, were never denied or disputed; that of those, of which explanations had been promised by him, the explanations were never submitted to the Court of Directors; that, after a long interval, he informed them of his having received money from the Prince of Oude, as well as from other persons, especially Raja Nuncomar, Munney Begum, Khan Jehan Khan, and Raja Cheit Sing, of which there is no proof that the sums so received ever were, as he asserts, applied to the public service; and that his description of his own conduct in these matters, is marked with gross evasions, and palpable prevarication and deceit, and confirms all former evidence of his having constantly used the influence of his station for the most scandalous, illegal, and corrupt purposes.

9. That after Warren Hastings had signified his intention of resigning the Government, in consequence of which General Clavering was appointed his successor, he refused to relinquish his situation to General Clavering, and in so doing, was guilty of a breach of faith, and of an act of disrespect to the Court of Directors and his Majesty's ministers, tending to bring their authority into contempt, and that such refusal was an act of injustice to General Clavering, and was, *or might have been*, to Mr. Wheler, and was an act of signal treachery to Laughlan Macleane, Esq., as also to Mr. Vansittart and Mr. Stewart: "and the said refusal was prejudicial to the affairs of the servants of the Company in India, by shaking the confidence to be placed in their agents by those persons with whom it might be for their interests to negotiate on

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matters of importance, and by thus subjecting the communication of persons abroad with those at home to difficulties unknown before." (This to be matter of solemn impeachment!)

1788.

ADDITIONAL CHARGES, 12TH APRIL.

10. That Warren Hastings did grant to the Surgeon-General a contract for three years for defraying every kind of hospital and medicinal expense.

11. That he persuaded the Council to enter into a contract with Archibald Frazer, Esq., for the repairs of the pools and tanks of Burdwan, at a fixed rate for four years.

12. That he granted to Stephen Sullivan, son of Lawrence Sullivan, Chairman of the Court of Directors, a contract for four years for the provision of opium; that in order to pay for the opium so provided, he borrowed large sums at an interest of 8 per cent., at a time when he declared the drug could not be exported with profit, and yet he sent it to China, which was an act of additional criminality, as he knew that importation of opium into China was prohibited by the Chinese; that a great loss ensued, and that every part of the transaction was a disobedience of orders and continued breach of trust.

13. That Mr. R. J. Sullivan, having on false pretexts retired from the Madras service, entered into that of the Nabob of the Carnatic, and was received by Hastings as the agent of the Nabob, and was appointed by him Resident at Arcot. And that when this was revoked by the Court of Directors, who dismissed Mr. Sullivan from their service, Warren Hastings, in defiance of their orders and authority, recommended him to be employed as ambassador at the Court of the Nizam.

14. That notwithstanding the Rana of Gohud, agreeably to stipulations previously made with the British Government, was a party to the treaty of peace concluded with Madajee Sindia, yet immediately afterwards Sindia was allowed to make war upon the Rana, and dispossess him of his territory, without any interference on the part of the English Government in behalf of their ally, thereby forfeiting the honour, and injuring the credit, of the British nation in India.

15. That notwithstanding his own admissions of the declining resources of the country, Warren Hastings enforced a settlement of the revenue for five years, at a higher rate than had ever been exacted before. That he next, in violation of the hereditary rights of the Zemindars, the sole proprietors of the lands in India, let the lands in farm for five years; and in contradiction to positive orders of the Court of Directors, that no farm should exceed the annual amount of one lac of rupees, and that no native servant of a collector of revenue should hold land in farm, or become security for other farmers, he allowed his own Banian to farm lands to the extent of thirteen lacs of rupees per annum; and that by repeated alterations in the system of managing the revenues, he did harass and afflict the inhabitants, and destroy all security to private property, and all confidence in the good faith, principles, and justice of the British Government.

16. That he was guilty of high offence and misdemeanour in his various transactions with the Nabob of Oude; or in deceits, prevarications, contradictions, malicious accusations, fraudulent concealments, and compelled discoveries, in secret, corrupt and prodigal dispositions of the revenues of Oude; in breach of faith to the Nabob in continuing expensive establishments under a private agent of his own, (Major Palmer,) after he had agreed to remove the agent of the Company.

17. That after a long course of public service, in which his merits had been repeatedly acknowledged by the Government of Bengal, Mohammed Reza Khan, Naib Subah of Bengal, was arrested by the private orders of Warren Hastings, and brought prisoner to Calcutta, where he was long ignominiously and needlessly detained without trial. That his authority as guardian of the Nawab of Bengal, and manager of his affairs, was transferred to Munny Begum, a woman of the lowest and most discreditable order of society, notoriously incapable of the duties thus assigned to her. That after Mohammed Reza Khan was acquitted of every charge against him, and was restored to his offices by order of the Court of Directors, Warren Hastings again removed him, on the pretext that the Nabob was competent to manage his own affairs; and when the Court again insisted upon the restitution of Mohammed Reza Khan to an authority rendered necessary by the incapacity of the Nawab, he

long resisted their orders, his support of Munny Begum having been secured by corrupt means. That in other matters affecting the Nabob, he also exercised undue and mischievous interference, by which the affairs of the Court of Murshedabad had fallen into extreme disorder and distress.

18. That in contradiction to the safe, just, and honourable policy of the Court of Directors, which, whilst it forbad their government engaging in any measure for the extension of the authority of Shah Alem, enjoined that he should be treated with friendship, good faith, and respectful attention, Warren Hastings did unite with the Captain-General of the Mahratta State, called Madajee Sindia, in designs against the few remaining territories of the Mogul Emperor; and that whilst he sent an agent to Delhi, and carried on intrigues with the King and his ministers, tending to involve the Company in renewed hostilities, he did all along concur with the Mahrattas in their designs against the said King and his ministers, under the treacherous pretext of supporting the authority of the former against the latter, and did contrive and effect the ruin of them all, having in view one only object, the aggrandisement of the lately hostile, and always dangerous, power of the Mahrattas, which he pursued by means highly dishonourable to the British character for honour, justice, candour, plain-dealing, moderation, and humanity.

19. That although it was highly improper to publish letters or papers in defence of measures under the consideration of the Court of Directors, without their consent, Warren Hastings published a narrative of his transactions at Benares without leave had, in order to preoccupy the minds of their servants, and ensure a factious countenance and support; and that upon the communication to him of the resolutions of the Court disapproving of his proceedings, he did write and cause to be printed and published, a certain false, insolent, malicious, and seditious libel, purporting to be a letter from him to the Court, and calculated, as they remark, to bring upon them odium and contempt, and excite a spirit of disobedience to the lawful government of this nation in India, through all ranks of their service.

ADDITIONAL CHARGES, 28TH APRIL.

20. That although W. Hastings pronounced the war entered into by the Bombay Government with the Mahrattas, to be unseasonable, impolitic, unjust, and unauthorized, and sent an envoy to conclude peace, yet he afterwards sanctioned the violation of the article upon which its establishment depended, and by concurring in the support given by the Bombay Government to the unjustifiable pretensions of Ragoba, a person universally held in abhorrence in the Mahratta empire, prevented the conclusion of the treaty, and that he was therefore specially and principally answerable for the war that followed, with all the expense, distress, and disgraces which attended it. That being finally obliged to conclude peace, Warren Hastings did consent to articles highly disadvantageous to the Company, and dishonourable to the British character, by conceding every object for which the war had been undertaken, and abandoning to the vindictive resentment of the Mahrattas, the princes who had been our allies—such as the Rana of Gohud, the Nabob of Bhopal, and Futty Sing Guicowar. That he embarrassed the negotiations by employing different ministers to treat, evincing an eagerness highly detrimental to the interests of the English, and originating not in any sincere desire for tranquillity, but the purpose of engaging the India Company in a new war with Hyder Ally, and making the Mahrattas parties thereto: and that upon the conclusion of peace with Tippoo by the Government of Fort St. George, ratified by that of Bengal, during the absence of Warren Hasting at Lucknow, he did endeavour, at the interested instigation of the Nabob of Arcot, to impose additional articles in favour of the Nabob, to the imminent peril of a renewal of the calamities and dangers of the war.

21. That in defiance of the Act of Parliament commanding the obedience of the Governor-General and Council to the orders of the Court of Directors, and in disregard of positive orders from the Court, that the correspondence with the Princes or country powers, although carried on by the Governor-General, should be communicated to the Council, and ultimately to the Court, Warren Hastings in sundry instances concealed from his council the correspondence carried on by him with the princes of India, and withheld from the Court copies of the correspondence, and the proceedings thereon, for

the purpose of covering his own improper and dangerous practices from his employers.

FURTHER ARTICLE OF CHARGE, 5TH MAY.

1788. 22. That in violation of solemn treaties and guarantees entered into with Fyzoolla Khan, Nabob of Rampore, W. Hastings demanded of the Nabob to furnish more than his stipulated quota of troops, conspired with the Nawab Vizir to strip Fyzoolla Khan of his possessions, and finally, extorted from him a large sum of money in lieu of the troops which were illegally required; in consideration of which, he fully exculpated the Nawab of the evil intentions of which he, under the influence of secret and criminal purposes, had falsely and unjustly accused him.

These were the charges preferred against Mr. Hastings, and most of them were extended to an inordinate length, from the desultory manner in which they were urged, and the vast quantity of collateral, and not unfrequently, irrelevant matter, with which they were overloaded. The Benares charge, for example, is classed under five heads, besides an introduction, and contains 110 paragraphs, some of them of great length. Notwithstanding all this parade of denunciation, the Trial was confined to the third and fourth charges, or those relating to Cheit Sing and the Begums of Oude; the seventh, that of the contracts, including the other articles relating to the same subject; and the eighth, or that concerning 'presents.'—W.

CHAPTER II.

The Trial of Mr. Hastings.

THE trial of Mr. Hastings commenced in Westminster Hall, on the 13th day of February, 1788. So great was the interest which this extraordinary event had excited, that persons of the highest elevation crowded to the scene.[1] After two days were spent in the preliminary

[1] Take the following account from the publication entitled, Trial of W. Hastings, Esq., etc., p. 1.—"Previous to their Lordships' approach to the Hall, about Eleven o'Clock, her Majesty, with the Princesses Elizabeth, Augusta, and Mary, made their appearance in the Duke of Newcastle's gallery. Her Majesty was dressed in a fawn-coloured satin, her head-dress plain, with a very slender sprinkling of diamonds. The royal box was graced with the Duchess of Gloucester and the young Prince. The ladies were all in morning dresses; a few with feathers and variegated flowers in their head-dress, but nothing so remarkable as to attract public attention.

"Mrs. Fitzherbert was in the royal box.

"The Dukes of Cumberland, Gloucester, and York, and the Prince of Wales, with their trains, followed the Chancellor, and closed the procession.

"Upwards of 200 of the Commons, with the Speaker, were in the gallery.

"The Managers, Charles Fox and all, were in full dress.

"But a very few of the Commons were full dressed — some of them were in boots. Their seats were covered with green cloth — the rest of the building was "one red."

"Mr. Hastings stood for some time — On a motion from a Peer, the Chancellor allowed, as a favour, that the prisoner should have a chair — And he sat the whole time — but occasionally, when he spoke to his Counsel.

"His Counsel were Mr. Law, Mr. Plomer, Mr. Dallas — For the Commons — Dr. Scott and Dr. Lawrence; Messrs. Mansfield, Pigott, Burke, and Douglas.

"A party of horse-guards, under the command of a Field Officer, with a Captain's party from the horse-grenadiers, attended daily during the trial.

"A body of 300 foot-guards also kept the avenues clear, and a considerable number of constables attended for the purpose of taking offenders into custody."

and accustomed ceremonies, on the 15th Mr. Burke began. His oration was continued on the 16th, 18th, and 19th, and lasted four days. It was the object of this address to convey to the members of the court a general idea of the character and circumstances of the people of Hindustan; of their situation under the government of Englishmen; of the miseries which he represented them as enduring through the agency of Mr. Hastings; and of the motives, namely, pecuniary corruption, to which he ascribed the offences with which that Governor was charged. The most remarkable passage in the speech was that which related to the enormities imputed to Devi, or Deby Sing; a native placed by Mr. Hastings in a situation of confidence and power. It cannot be omitted; both because the delivery of it is matter of history, whatever may be the proper judgment with respect to the accusations which it brought; and also, because it gave birth to several subsequent proceedings on the trial. This man was admitted, according to the accuser, improperly, and for corrupt ends, to farm the revenues of a large district of country. After a time, complaints arrived at Calcutta of cruelties which he practised, in extorting money from the people; upon whom, contrary to his instructions, he had raised the rents. Mr. Paterson, one of the gentlemen in the civil service of the Company, was deputed, in the capacity of a Commissioner, to inquire into the foundation of the complaints. It was from his report, that the statements of Mr. Burke, reported in the following words, were derived.

"The poor Ryots, or husbandmen, were treated in a manner that would never gain belief, if it was not attested by the records of the Company; and Mr. Burke thought it necessary to apologise to their Lordships for the horrid relation, with which he would be obliged to harrow up their feelings; the worthy Commissioner, Paterson, who had authenticated the particulars of this relation, had wished that, for the credit of human nature, he might have drawn a veil over them; but as he had been sent to inquire into them, he must, in discharge of his duty, state those particulars, however shocking they were to his feelings. The cattle and corn of the husbandmen were sold for less than a quarter of their value, and their huts

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reduced to ashes! the unfortunate owners were obliged to borrow from usurers, that they might discharge their bonds, which had unjustly and illegally been extorted from them while they were in confinement; and such was the determination of the infernal fiend, Devi Sing, to have these bonds discharged, that the wretched husbandmen were obliged to borrow money, not at twenty, or thirty, or forty, or fifty, but at SIX HUNDRED per cent. to satisfy him! Those who could not raise the money, were most cruelly tortured; cords were drawn tight round their fingers, till the flesh of the four on each hand was actually incorporated, and became one solid mass: the fingers were then separated again by wedges of iron and wood driven in between them.—Others were tied two and two by the feet, and thrown across a wooden bar, upon which they hung, with their feet uppermost; they were then beat on the soles of their feet, till their toe-nails dropped off.

"They were afterwards beat about the head till the blood gushed out at the mouth, nose, and ears; they were also flogged upon the naked body with bamboo canes, and prickly bushes, and, above all, with some poisonous weeds, which were of a most caustic nature, and burnt at every touch. The cruelty of the monster who had ordered all this, had contrived how to tear the mind as well as the body; he frequently had a father and son tied naked to one another by the feet and arms, and then flogged till the skin was torn from the flesh; and he had the devilish satisfaction to know that every blow must hurt; for if one escaped the son, his sensibility was wounded by the knowledge he had that the blow had fallen upon his father: the same torture was felt by the father, when he knew that every blow that missed him had fallen upon his son.

"The treatment of females could not be described:—dragged forth from the inmost recesses of their houses, which the religion of the country had made so many sanctuaries, they were exposed naked to public view: the virgins were carried to the Court of Justice, where they might naturally have looked for protection: but now they looked for it in vain; for in the face of the Ministers of Justice, in the face of the spectators, in the face of the sun, those tender and modest virgins were brutally violated. The only difference between their treatment and

that of their mothers was, that the former were dishonoured in the face of day, the latter in the gloomy recesses of their dungeon. Other females had the nipples of their breasts put in a cleft bamboo, and torn off. What modesty in all nations most carefully conceals, this monster revealed to view, and consumed by slow fires; nay, some of the tools of this monster Devi Sing had, horrid to tell! carried their unnatural brutality so far as to drink in the source of generation and life.

"Here Mr. Burke dropped his head upon his hands a few minutes; but having recovered himself, said, that the fathers and husbands of the hapless females were the most harmless and industrious set of men. Content with scarcely sufficient for the support of nature, they gave almost the whole produce of their labour to the East India Company: those hands which had been broken by persons under the Company's authority, produced to all England the comforts of their morning and evening tea; for it was with the rent produced by their industry, that the investments were made for the trade to China, where the tea which we use was bought."[1]

[1] The words of the quotation are taken from the short account of the speech which is given in the History of the Trial of Warren Hastings, Esq., published by Debrett. The account, though short, is the best which I have been able to procure. The report to which I have had access, in the MS. of the short-hand writer, is exceedingly confused and indistinct. Upon this passage, the compiler of the History of the Trial, adds, in a note, "In this part of his speech, Mr. Burke's descriptions were more vivid — more harrowing — and more horrific — than human utterance on either fact or fancy, perhaps, ever formed before. The agitation of most people was very apparent — and Mrs. Sheridan was so overpowered that she fainted.

"On the subject of the Ministers of these infernal enormities, he broke out with the finest animation!

"'My Lords,' exclaimed Mr. Burke, 'let me for a moment quit my delegated character, and speak entirely from my personal feelings and conviction. I am known to have had much experience in men and manners — in active life, and amidst occupations the most various! From that experience, I now protest — I *never* knew a man who was *bad*, fit for service that was *good*! There is always some disqualifying ingredient, mixing and spoiling the compound! The man seems *paralytic* on that side! His muscles there have lost their very tone and character! — They cannot move! In short, the accomplishment of any thing good, is a physical impossibility for such a man. There is decrepitude as well as distortion — he COULD NOT if he would, is not more certain, than he WOULD NOT, if he could!'

"Shocking as are the facts which Mr. Burke related, and which he says he finds recorded in the account taken by Mr. Paterson, who was appointed Commissioner to inquire into the circumstances of this dreadful business, and of a rebellion which took place in consequence, Mr. Burke says, of the above-mentioned cruelties: our readers must see that Mr. Hastings cannot be responsible for them, unless it shall be proved that he was privy to, and countenanced the barbarities."—M.

Burke's oratory on this occasion, was liable to still more serious censure. It was a tissue of falsehood. In any case, the cruelties of Deby Sing, in collect-

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The next proceeding in the course of the trial was a matter of great importance. As soon as Mr. Burke had

ing his rents, could not be charged upon Hastings; for, as soon as he heard or knew of them, he displaced him, and that in so hasty a manner so as to expose himself to the charge of having acted with too much severity towards Deby Sing. But, in fact, although some acts of violence had been committed, nothing had occurred to justify Burke's exaggeration. The late Henry Thomas Colebrooke, who, in 1788, had been some time in India, and was not at all an admirer of Hastings, nor inclined to extenuate his errors, thus writes to his father: "Mr. Paterson's report was not founded upon evidence taken, and facts ascertained. Sent up to investigate accusations preferred against Raja Deby Sing, he received every petition presented, however improbable the facts asserted, and drew up his report upon no better grounds than the tenor of the complaints delivered to him."..... "It is from such a report that Mr. Burke has selected Mr. Paterson for his hero, unaware that a respectable commission, consisting of three gentlemen of known abilities and integrity, with diligence unremitted during many months, investigated those matters, and that the result of their inquiries, and the whole purport of a large body of evidence from witnesses produced on both sides, proved the assertions in Paterson's report groundless." Notices of the Life of H. T. Colebrooke, Esq., by his son. Trans. R. Asiatic Society, vol. v. p. lii. At a subsequent period, June 1794, Mr. Law, adverting to this charge, states the fact of this commission, and of its results; and he also does justice to Mr. Paterson, who, he says, "was so little pleased with the encomiums of the leading manager (Burke), that he has publicly disavowed them, and expressed concern that his reports should have been tortured into evidence against Hastings." Parliamentary History, xxxi. 949. Burke knew Mr. Paterson's opinion long before; possibly even at the very moment when he was charging Hastings with being the cause of atrocities that he had reason to believe were at least of equivocal existence. Certainly some intimation had been conveyed to Burke from Mr. Paterson, early in 1788, the year in which the crimes of Deby Sing were dwelt upon with such an unnatural appetite for disgusting details, that he was desirous of qualifying or retracting the information he had given in his report. That this intimation alarmed and irritated Burke, is evident from a letter in the Editor's possession, from him, to a friend of Mr. Paterson, through whom the communication had been conveyed. The letter is dated 7th of April, 1788. In it he endeavours to intimidate Mr. Paterson from disclaiming his concurrence in Burke's accusations; without effect, it should seem, from the tenor of Mr. Law's statement. Burke thus writes about six weeks after he had made his oration: "On the credit and authority of Mr. Paterson's accuracy and fidelity, I have, in the name of the Commons of this Kingdom, in the presence of Europe, and before the most awful of all tribunals, given a strong representation of the ill-government exercised in Rungpore, during the administration of Mr. Hastings. It is not in my choice, because I do not act for myself, but in trust for others, to suffer the Commons of Great Britain to be discredited, without doing all in my power to bring to punishment those who, through negligence, or other unjustifiable causes, have been the means of misleading them. It is not in my choice for a moment to tolerate any sort of compromise, which tends to destroy the credit, not only of the testimony which Mr. Paterson has collected, but of all other testimony which can be produced hereafter, on any complaint of oppression. There is no medium. Either Mr. Paterson has been guilty of criminal and unpardonable negligence, implying a strong suspicion of corruption in executing his office of commissioner, or there has been a most shocking and corrupt scene of combination and collusion to abet tyranny, and to suppress truth. One or the other of these, at some time, must be determined to be the fact, and the point so determined, *must* be acted upon. I am no longer alone in this business, nor does it depend upon my single life, or my continuance in parliament." The meaning of this last menace is somewhat mysterious, but it is evidently designed to terrify a timid, though conscientious man, from proclaiming any truth unfavourable to Burke's purposes. As to the alternatives which the orator leaves to time, neither has been established. There was neither criminality nor collusion in the commissioner's report, or in his

finished his opening speech, Mr. Fox stood up, and explained to the Court the order of proceeding which it was the intention of the managers for the prosecution to adopt.

They proposed that one of the articles of impeachment only should be taken under consideration at one time: that the speakers and the evidence, both for the prosecution and for the defence, should, in the usual manner, be heard on that individual article; that the sentence of the court should then be pronounced; and that the several charges should thus be treated, and thus disposed of, one after another, to the end.

The counsel for Mr. Hastings, three barristers, Mr. Law, Mr. Plomer, and Mr. Dallas, were asked by the Lords, if they agreed to the proposed course of procedure. Upon their declaration, that they desired the matter of accusation upon all the articles to be exhibited first, after which they would deliver all the matter of defence upon them all, when, lastly, the Court might decide upon them all, the parties were ordered to produce what they could urge, in support of their respective demands.

Mr. Fox maintained, that the weight of evidence was best appropriated when fresh in the memory; that distinctness and clearness, notwithstanding the complexity of the subject, and facility of conception, notwithstanding its vastness, might, according to the method recommended by the managers, be to a considerable degree attained; whereas, according to the mode of procedure for which the lawyers contended, evidence would be decided on after it was forgotten, and such an accumulation of matter would be offered all at once to the mind, as no mind, without taking it piecemeal, was competent to manage.

The three learned gentlemen, as the lawyers are called, spoke, one after another, very earnestly, and at considerable length. Mr. Law was first, and most vehement. He proceeded to animadvert upon the strong language of condemnation which had been employed by Mr. Burke; and was reproached for the very offence of which he com-

retractation; although, upon Mr. Colebrooke's testimony, it appears that there were the same errors in Mr. Paterson's proceedings which marked every step of Burke's; a prejudiced disposition to listen alone to ex parte evidence, and an imprudent readiness to credit the exaggerated language of complaint.—W.

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plained. He alluded to the very opprobrious language with which a great state prisoner had been treated by a hot-headed lawyer of former times, and said, "this defendant has been loaded with terms of such calumny and reproach, which since the days of Sir Walter Raleigh were never used at the bar of this House."[1] Mr. Fox interrupted him, and said, that, vested with a great trust by the House of Commons, he could not sit and hear such language applied to an accusation which that House, in the prosecution of high crimes, had carried to the bar of the competent court.

In opposition to the order of proceeding, recommended by the managers, the allegations urged by the lawyers were; that such an order was contrary to ancient usage; that the cases offered by the managers as precedents did not apply, and in fact there was no precedent; that the mode proposed was contrary to the modes of procedure at common law; and that it was disadvantageous to the defendant. Mr. Law and Mr. Dallas specified one disadvantage, That in giving their answer upon one charge, they might be compelled to disclose to their adversary the defence which they meant to employ upon others. "My Lords," said Mr. Law, "we are to come forward, on the first article, to state our case, and to produce all the evidence, and all the defence, we are to make on nineteen others? Is it just? Is it reasonable? Is it what would be admitted in any court of justice? On the first article we are immediately put under the necessity to sustain our defence, the cross-examination of the prosecutor immediately attaches on those witnesses: they extract from them perhaps some evidence which may make it less necessary to call, on their part, such evidence as they want. Is that right?"[2] It was further urged by Mr. Dallas, that as the charges had a close connexion, the evidence which applied to one, would sometimes be necessary for another, whence repetition and delay.

The Lords withdrew to their own chamber to deliberate and adjourned the Court to the 22nd. The Lord Chancellor Thurlow opened the question, in the chamber of the Lords, by strongly recommending, in a speech of consider-

[1] Short-hand writer's report, MS. in the writer's hands.
[2] MS. ut supra.

able length, the order of proceeding contended for by the lawyers: and his proposition was adopted without a division. The business of the Court on the 22nd was opened by the Lord Chancellor, proclaiming, "Gentlemen, I have in charge to inform you, that you are to produce all your evidence, in support of the prosecution, before Mr. Hastings is called upon for his defence." 1788.

The historian, who is not bound by the opinion, either of the Judges, or of the prosecutors, is called upon to try if he can discover the decision which is pronounced by reason upon the facts of the case.

It will not, surely, admit of dispute, that a question will be decided most correctly, when all the evidence which bears upon it is most fully present to the memory, and every part of it receives its due portion of regard. As little will it admit of dispute, that two things contribute to that just appreciation of evidence, namely, recent delivery, and freedom from the mixture both of other evidence not bearing upon the point, and of other questions distracting the attention. The truth of every affirmation is best seen, when the mind, as exempt as possible from every thought, applies the proof immediately to the point which is in dispute: confronts the affirmative with the negative evidence; adjusts the balance, and decides. There cannot be a question, that for the purpose of ascertaining the truth, of estimating the evidence correctly, and arriving at a decision conformable to the facts, as they took place, the course recommended by the managers was the proper course. As little can it be doubted, that for the purposes of lawyer-craft; for all the advantages to be gained by the suppression of evidence, by the loss of it from the memory, by throwing the Judges into a state of confusion and perplexity, when the mind becomes passive, and allows itself to be led by the adviser who seems most confident in his own opinion; the course successfully contended for by the lawyers, was infinitely the best. The course recommended by the managers, was most favourable to an innocent defendant, to the man for whose advantage it is that truth should be correctly ascertained. The course successfully contended for by the lawyers was most favourable to a guilty defendant, to the man for whose advantage it is that the truth should not be correctly ascertained.

If *truth* is the end, we have, then, arrived at a decision. To this reasoning and its conclusion, there is not, in the harangues of the lawyers, a tittle opposed. On this, the only question at issue, they were silent: and diverted the attention to other objects. They did not inquire whether the path pointed out was that which led to the discovery of truth, but whether the Lords, or the lawyers, had been accustomed to tread in that path before. We shall now, however, decide, that whenever the path which leads to truth is discovered, it is no longer the question who has *not* walked in it before, but who shall best walk in it for the future. When the path which leads to truth is discovered, it is a wretched solicitude, which endeavours to find out that our predecessors have *not* walked in it, in order that we may follow their unhappy example, instead of proceeding in the direction which reason points out as the only one that is good. As for the practice of the lawyers' courts, if that was ascertained to lead in a direction not the most favourable to the discovery of truth there was no obligation on the Lords to follow it.

After this, the lawyers had two allegations, and no more. There was Mr. Law's complaint, that they would be obliged, on one charge, to disclose the grounds of their defence on all. This is a complaint, at being obliged to contribute to the discovery of truth. It is a demand, that a door should be left open to lawyer-craft, for the purpose of defeating the discovery of truth. No disadvantage, but that which the disclosure of truth inferred, could thus arise to the defendant. The necessity of producing evidence would be equal to both parties. If the defendant were obliged, in answering one charge, to disclose the grounds of his defence on others, the accusers would be equally obliged to disclose the grounds of their accusation. The party who by this course would gain, is the party to whom the truth would be favourable; the party who would lose, the party to whom the truth would be noxious. According to the course of the lawyers, the advantage and disadvantage change their sides.

Last of all, we notice the allegation of Mr. Dallas, that as several of the articles of charge were closely connected, it would be necessary to repeat a part of the evidence. This is true; and so far as it goes a valid objection. But surely

the small portion of additional labour, and the small portion of additional time, requisite for hearing more than once the same article of evidence, may be counterbalanced by a small advantage afforded to the discovery of truth. Besides, when the Judges, after the lapse of years, came to pronounce a separate judgment upon each of the charges, it was absolutely necessary for them, either to repeat to themselves the evidence as often as repetition was necessary, or so far to decide without evidence.[1]

A protest, on the subject, well worthy of a place in the history of this trial, was entered on the Journal of the Lords:

[1] This reasoning is full of fallacies. The main argument is, that prompt decision ensures perfect recollection of the evidence; but what judge ever trusts to his memory for the appreciation of evidence, unless it be very brief and simple, and applicable to a case which can at once be decided; for what memory can accurately retain many and complicated particulars, asserted by a number of witnesses during a long and desultory examination, continued during many successive days, and often suspended for many days? There was in Hastings' Trial, no such thing as "recent" delivery of the testimony; there was no possibility of preventing its escaping, to a very material extent, from the recollection. No conscientious person could have founded a decision upon it as it was heard. He would have weighed it, and pronounced judgment upon it as it was recorded. But if it is necessary for the ends of justice, and that it is so, no person can question, that evidence should be recorded, the recollection of it becomes a matter of indifference. We are as competent at this time to examine its bearing, and determine the amount of its proof, as the persons who actually listened to its utterance. Again, as to another chief argument — the advantage of examining the proofs of each charge separately in detail—it is evident, from the minutes of the evidence, that such a course would have been most unfavourable to the elicitment of truth. The circumstances of the principal charges were inseparably connected with each other, and to have passed judgment on one, without investigating both, would have excluded the judges from the cognizance of much that was indispensable to a comprehensive view of either. The managers, themselves, admitted this most unequivocally, when they abandoned a number of specific charges, because they were "partly involved in others previously investigated." The charges assailed the whole of the intentions and the acts, and the general character of the administration of Hastings, through a series of years; and it was absolutely necessary to look at them together, to judge of them individually. A different procedure, a piece-meal investigation, would have been open to the objections so justly taken to such a course in the preface, and would have exemplified the apologue of the blind men and the elephant.

As to the arguments of the managers, they, like all the sophistical reasonings of public debaters, were adapted to a particular object, and not founded on general principles. Of this a very remarkable and irrefutable proof is afforded by the conduct of Mr. Fox, who on this occasion stood foremost in advocating a decision upon the charges severally. Unfortunately for his consistency, he had not very long before maintained the opposite doctrine. "Mr. Secretary Fox perfectly agreed in the method proposed by the learned lord, and advised the Hon. Baronet (Sir Thomas Rumbold) to postpone his defence until he heard every thing that could be alleged against him."—Debates on Charges against Sir T. Rumbold, 29th April, 1782, Parliamentary Hist. xxii. 1316. It may be said that there was no inconsistency in this; Fox wishing in one instance to screen, in the other to convict. This is true — but it is not calculated to inspire us with any respect for arguments that take their colour from personal interests and feelings, not from a love of truth or reverence for justice.—W.

BOOK VI. CHAP. II. 1788.

"DISSENTIENT. 1st. Because we hold it to be primarily essential to the due administration of justice, that *they who are to judge have a full, clear, and distinct knowledge* of every part of the question on which they are ultimately to decide: and in a cause of such magnitude, extent, and *variety*, as the present, where issue is joined on acts done at times and places so distant, and with relation to persons so different, as well as on crimes so discriminated from each other by their nature and tendency, we conceive that *such knowledge* cannot but with extreme difficulty be obtained without a separate consideration of the several articles exhibited.

"2nd. Because we cannot, with equal facility, accuracy, and confidence, *apply and compare the evidence adduced*, and more especially the arguments urged by the prosecutors on one side and the defendant on the other, if the whole charge be made one cause, as if the several articles be heard in the nature of separate causes.

"3rd. Because, admitting it to be a clear and acknowledged principle of justice, that the defendant against a criminal accusation should be at liberty to make his defence in such form and manner as he shall deem most to his advantage; we are of opinion, that such principle is only true so far forth as the use and operation thereof shall not be extended *to defeat the ends of justice, or to create difficulties and delays equivalent to a direct defeat thereof;* and, because we are of opinion, that the proposition made by the managers of the House of Commons, if it had been agreed to, would not have deprived the defendant in this prosecution, of the fair and allowable benefit of such principle taken in its true sense; inasmuch as it tended only to oblige him to apply his defence specially and distinctly to each of the distinct and separate articles of the Impeachment, *in the only mode in which the respective merits of the charge and of the defence can be accurately compared and determined*, or *even retained in the memory*, and not to limit or restrain him in the form and manner of constructing, explaining, or establishing his defence.

"4th. Because, in the case of the Earl of Middlesex, and that of the Earl of Strafford, and other cases of much

less magnitude, extent and variety, than the present, this House has directed the proceedings to be according to the mode now proposed by the managers on the part of the Commons.

"5th. Because, even if no precedent had existed, yet from the new and distinguishing circumstances of the present case, it would have been the duty of this House to adopt the only mode of proceeding, which, founded on simplicity, *can ensure perspicuity, and prevent confusion.*

"6th. Because we conceive, that the accepting the proposal made by the Managers would have been no less *consonant to good policy than to substantial justice,* since by possessing the *acknowledged right of preferring their articles as so many successive Impeachments,* the Commons have an undoubted *power of compelling this House in future virtually to adopt that mode which they now recommend*; and if they should ever be driven to stand on this extreme right, jealousies must unavoidably ensue between the two Houses, whose harmony is the vital principle of national prosperity; public justice must be delayed, if not defeated; the innocent might be harassed, and the guilty might escape.

"7th. Because many of the reasons upon which a different mode of conducting their prosecution has been imposed upon the Commons, as alleged in the debate upon this subject, appear to us of a still more dangerous and alarming tendency than the measure itself, forasmuch as *we cannot hear but with the utmost astonishment and apprehension,* that this Supreme Court of Judicature is to be concluded *by the instituted rules of the practice of inferior Courts;* and that *the law of Parliament,* which we have ever considered as recognised and reverenced by all who respected and understood the laws and the constitution of this country, *has neither form, authority, nor even existence;* a doctrine which we conceive *to strike directly at the root of all parliamentary proceeding by impeachment,* and to be equally destructive of established rights of the Commons, and of the criminal jurisdiction of the Peers, and consequently to tend to the degradation of both Houses of Parliament, to diminish the vigour of public

BOOK VI. CHAP. II. justice, and to subvert the fundamental principles of the constitution.

1788.

[Signed]

PORTLAND, WENTWORTH FITZWILLIAM,
DEVONSHIRE, STAMFORD,
BEDFORD, LOUGHBOROUGH,
CARDIFF, CRAVEN.
DERBY,

For the 1st, 2nd, and 7th reasons, MANCHESTER.

For the 1st and 2nd reasons only { TOWNSHEND, HARCOURT, LEICESTER."

After withdrawing for a few minutes to deliberate, the managers for the Commons submitted to the decision of of the Lords, and proceeded to the investigation upon the first of the charges; that relating to the conduct of the defendant toward the Raja of Benares, Cheyte Sing. Mr. Fox addressed the Court as accuser, and Mr. Grey followed him the succeeding day. This was the eighth day of the trial; and time was consumed in hearing evidence, with disputes raised about its admission or exclusion, from that till the 13th, when Mr. Anstruther summed up, and commented upon the matter adduced. Of the evidence, or the observations by which it was attended, both for the accusation and the defence, as it is hoped that the preceding narrative has already communicated a just conception of the facts, a repetition would be attended with little advantage; and the incidents by which the course of the proceedings was affected will appear, in most parts of the trial, to include nearly the whole of what the further elucidation of this memorable transaction requires.

On the 29th of February, which was the eleventh day of the trial, Mr. Benn, a witness professing forgetfulness, or speaking indeterminately, on a point on which he appeared to the managers to have spoken more determinately, when previously examined before the House of Commons, was interrogated as to the tenor of his evidence on that preceding occasion. The barristers, of counsel for the defendant, had cavilled several times before at the questions of the accusers. They now made a regular stand.

Mr. Law, and Mr. Plomer, argued, that a party should

not be allowed to put any questions tending to lessen the credit of his own witness. Their reasons were, that such a proceeding was not allowed in the courts of law; that if the party believed his witness unworthy of credit, he acted fraudulently, in proposing to take the benefit of his evidence, if favourable; to destroy his credit, if the reverse; and that such an inquisition is a hardship to the man upon whom it is imposed.

The managers for the Commons contended, that such a question as they had put was conformable to the practice both of the courts of law, and of the high court of parliament; as appeared by the trial of Lord Lovat, by the permission given to put leading questions to a reluctant witness, and the practice in the courts of law of questioning a witness as to any deposition he may have made on the same subject in a court of equity: that most of the witnesses, who could be summoned upon this trial were persons whose prejudices, whose interests, whose feelings, were all enlisted on the side of the defendant; and who would not, if they could help it, tell any thing to his prejudice: and that hence, in all cases similar to this the privilege for which they contended was essential to justice.[1]

It is evident from former reasonings, that the first and principal plea of the lawyers is altogether foreign to the question, and deserves not a moment's regard. A contrary practice was universal in the courts of law. What then? The question of the wise man is, not what *is* done in the courts of law, but what *ought* to be done.

Witnesses would suffer by sustaining the proposed inquisition. But surely inquisition is not a worse thing, performed by one, than performed by another party. Inquisition is performed upon every witness by the cross-examination. But if inquisition is to be performed, what objection is there to giving *truth* the benefit of it? Why confine it to one of the parties?

We now come to that plea of theirs which alone has any obscurity in it. A party ought not to bring a witness, whose testimony is unworthy of trust. To this two

[1] Minutes of the Trial of Warren Hastings, MS. The reader may, however, consult the printed History, ut supra, which differs in nothing material from the original document in my hands.

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things are to be given in answer. First, he may bring a witness, not knowing that he is unworthy of trust. Secondly, he may bring a witness, knowing that he is very imperfectly worthy of trust, because he has none that is better.

If a party brings a witness, expecting that he will speak the truth, but finds that he utters falsehood, he is without resource, unless he is permitted to show that what is uttered is falsehood, or at any rate destitute of some of the requisite securities for truth. Upon these terms, a man need only be admitted a witness, to defeat, when he pleases, the cause of justice. This is to shut up one of the doors to the discovery of truth; and whatever in judicature shuts up any of the doors to the discovery of truth, by the same operation opens a door to the entrance of iniquity. Let us inquire what danger can arise from the privilege to which the lawyers object. If the testimony is really true, to scrutinize is the way to confirm, not weaken it. If the credibility of the witness is good, the more completely it is explored, the more certainly will its goodness appear. Make the most unfavourable supposition; that a party brings a witness, expecting mendacity; and, finding truth, endeavours to impair his credit. This is a possible case: let us see what happens. All that a party can do to weaken the credit of a witness, is to point out facts which show him to be capable of mendacity. The credibility of a witness is either strong or weak. If strong, the attempts of a party who stands in the relation of a summoning party, to detract from it, can hardly ever have any other effect than to confirm it, and cast suspicion on his own designs. If weak, he can only show the truth, which ought always to be shown; and if it appears, that he brought a witness, known to be mendacious, whose character he discloses only when he speaks the truth, in this case too he affords presumption against himself. Even when a witness, who has a character for mendacity, speaks the truth, it is fit that his character should be made known to the judge. It is not enough that one of the parties happens to know the conformity between the testimony and the facts. The satisfaction of the public is of more importance than that of an individual; and for the satisfaction of the public, it is necessary that all the requi-

site securities for the discovery of truth should have been employed.

It very often happens, that the only witness to be had is a mendacious and reluctant witness; a partner, for instance, in the crime. Justice may yet have some chance, if the party whose interest it is that the truth should be discovered is allowed the use of all the most efficient instruments of extraction. But if his witness declares, for example, that he does not recollect, and the party is not allowed to adduce evidence to show that it is impossible he should not recollect, a witness of such a description has a licence put into his hand to defeat the ends of justice. It is thus abundantly evident that the honest suitor has often the greatest possible occasion for the power of discrediting his own witness, and must be defeated of his rights if deprived of it. Let us see what possible evil a dishonest suitor can effect by being possessed of it. He wishes, for example, to prove the existence of a fact which never had existence; and he brings a man whom he expects to swear to it, but who disappoints him. Here it is plain that to discredit his witness does no harm; the false fact remains unproved. Let us suppose that he brings, to disprove an actual fact, a witness who disappoints him. In this case he gains as little by discrediting his witness; the true fact is not in the least by that means disproved. But these two are the only possible sets of cases, to which for a fraudulent purpose evidence can be adduced. It appears then, we may almost say, demonstratively, that the power of discrediting his own witness may very often indeed be of the utmost importance to the honest suitor, can never, or almost never, be of any use to the dishonest one. It is a power, therefore, essential to the ends of justice.[1]

The Lords, however, in conformity with the wishes of the lawyers, and with a grand lawyer at their head, having adjourned to their own chamber for the purpose of deliberation, opened the business, the day on which the court was next convened, by informing the managers for the Commons, that it was not allowed them to put the ques-

[1] For a specimen of just ideas on this, and other parts of the subject of evidence, see an unfinished work, entitled "Rationale of Evidence, by J. Bentham, Esq." For a complete elucidation, the public must wait for that more voluminous production, which he announced as nearly prepared, so long ago as in the first edition of the Letters to Lord Grenville on Scotch Reform.

tion which they had last proposed. "The managers for the Commons," say the printed Minutes of Evidence, "requested leave to withdraw for a while.—The managers for the Commons, being returned, said it was with the greatest concern they informed the House, that it was impossible for them to acquiesce in the decision of the House. That they felt it so important, not only to the present question, but to the whole of the trial, that they should hold themselves bound to go back to the House of Commons, who sent them thither, to take instructions from them how to proceed—if they did not feel it necesary to proceed with vigour and despatch, which might make them, for the present, wave their opinion upon the subject, but under a protest the most strong, that they had a right to put the question proposed, and that if they should think a similar question necessary to be put in the course of the future proceedings, they would propose it for the more deliberate judgment of the House."[1]

On the 10th day of April, and thirteenth of the trial, the evidence for the prosecution, on the first article of impeachment, was closed. On the following day it was summed up by Mr. Anstruther; and this part of the trial was concluded by some observations which Mr. Burke requested permission to adduce, on a peculiar feature of the evidence, to which the nature of the circumstances compelled the complainants in this case to resort. It had been already remarked that of the witnesses who would be called up on this prosecution, the greater part from powerful causes would be favourable to the defendant. It was now remarked that they would be lenient to the crimes. "It was to be recollected, that some of those men who had been called to the bar of the court, had been the instruments of that tyranny which was now arraigned. Those who were deputed to oppress were to be heard with caution when they spoke of the measure of the oppression. It was easy to be seen that those who had inflicted the injustice would not use harshest terms when speaking of its measure and rate."[2]

On the 15th day of April, and the fourteenth of the trial,

[1] Minutes of the Evidence taken at the Trial of Warren Hastings, Esq., p. 321.

[2] Minutes of the Trial of Warren Hastings, Esq. MS. of the short-hand writer.

the proceedings were opened on the second article of the accusation; or that, relating to the Begums of Oude. Mr. Adam, in a speech of great length, exhibited a view of the allegations. On the following day, Mr. Pelham commented on the answer of Mr. Hastings, and evidence began to be heard.

That extreme want of recollection, professed by Mr. Middleton, and the embarrassment and confusion of his statements, having drawn down certain strictures from Mr. Sheridan, "I must take the liberty," said Mr. Law the counsel, "of requesting, that the Honourable Manager will not make comments on the evidence of the witness, in the presence of the witness. It will tend to increase the confusion of a witness who is at all confused; and affect the confidence of the most confident,—I shall, therefore, hope the Honourable Manager will, from humanity and decorum, attend to it. I am sure I do not mention it out of disrespect to him."[1] This passage is adduced to show the opinion of a person, of great eminence in the law, on a matter of some importance—the *browbeating* of a witness.

The courts in which, by the usual steps, he rose to preside, are justly designated, as, of all the places set apart for the administration of justice, those in which the rule of humanity and decorum, here set up by the advocate, is the most grossly and habitually violated. The advantage taken of the embarrassment of a witness, who really appears desirous to conceal or contradict the truth, is not of course the practice which it is meant to condemn. What excites the disgust and indignation of every honest spectator, from every quarter of the globe, is the attempt so often made, and so often made successfully, to throw an honest witness into confusion and embarrassment, for the sake of destroying the weight of his testimony, and defeating the cause of truth; the torture unnecessarily and wantonly inflicted upon the feelings of an individual, to show off a hireling lawyer, and prove to the attorneys his power of doing mischief.

Mr. Middleton availed himself to an extraordinary extent of the rule, a rule upheld by the Lords; that a witness

[1] Minutes of the Trial of Warren Hastings, Esq. MS. of the short-hand writer, twentieth day.

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might refuse to answer a question, which tended to criminate himself. This is a rule, which if thieves, robbers, and murderers, were the makers of law, one would not be surprised at finding in force and repute. That the personages by whom it was established, wished the discovery of guilt, it is not easy to believe; for so far as it operates, the impunity of the criminal is secured.

On the 30th day of May, thirty-first of the trial, the evidence for the prosecution on the subject of the Begums was closed; and, on the following, Mr. Sheridan began to present the view of it which he wished to imprint upon the minds of the judges. Four days were occupied in the delivery of the speech; and this part of the business was concluded on the 13th of June, when the Lords adjourned to the first Tuesday in the next session of parliament.

Before the time which was destined for re-assembling the parliament, the event occurred of the mental derangement of the King. This delayed the resumption of proceedings till the 21st of April, 1789. On that day, the thirty-sixth day of the trial, the article of impeachment relating to the receipt of presents, was opened by Mr. Burke. The intermediate articles were omitted, partly as involved in the question respecting the Begums of Oude, and partly for the avoidance of delay, of which complaints were now industriously raised and dispersed.

Having stated in his speech those facts, the first information of which was derived from the Raja Nuncomar, the manager declared that, "if the counsel for the defendant should be so injudicious as to bring forward the conviction of the Raja, for the purpose of destroying the effect of these charges, he would open that scene of blood to their Lordships' view, and show that Mr. Hastings had murdered Nuncomar by the hands of Sir Elijah Impey." Six days afterwards, that is on the 27th of April, when the manager had spoken for two days, Major Scott presented to the House of Commons a petition from Mr. Hastings, complaining that Mr. Burke had adduced against him a variety of accusations extraneous to the charges found by that House; and especially had accused him of having murdered Nuncomar by the hands of Sir Elijah Impey. Upon the subject of this petition several debates ensued. It was first disputed, whether the petition should be

received. The managers contending, that the motion was irregular and unprecedented; that if every expression not agreeable to the feelings of the party accused, were improper in a criminal prosecution, it would be necessary for criminal prosecutions to cease; that a practice of petitioning against the accuser would regularly convert him into a species of defendant, and, by creating a diversion, defeat the prosecution of crimes; that if the prosecutor misconduct himself in his function, it is for the tribunal before which he offends to animadvert upon his conduct; that the Commons might undoubtedly change their managers if experience had proved them to be unfit for their office; that if the Commons, however, did not mean to withdraw their trust, it would be inconsistent, by any discrediting procedure, to weaken the hands of those who, contending with an adversary so numerously surrounded, so potently supported, and whose delinquencies, by distance of place, distance of time, complexity of matter, and difficulties of innumerable sorts by which the production of evidence was loaded, were to so extraordinary a degree covered from detection, had need of support, not of debilitation; and who required additional strength to enable them to remove the obstacles which separated the evidence from the facts.

The minister, and with him the ministerial part of the House, observing that the Commons had given to their conductors limited powers, and that, if those conductors exceeded the bounds within which it was intended to confine them, it belonged to the Commons, not the Lords, to impose the due restraint, carried the vote that the petition ought to be received.

It was agreed, that the subject of the petition should undergo deliberation on the 30th of the month, and that in the mean time the Lords should be requested, by a message, to suspend proceedings on the trial.

On the 30th, instead of proceeding to appointed deliberation, the House, on a suggestion of the Chancellor of the Exchequer, anxious, he said, to preserve the regularity of the proceedings of the House, communicated to the member whose conduct was charged (though everybody had seen him present at every thing which had passed), a formal notice, that a petition had been received, and that the House would take it into consideration on a day that

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was named. Mr. Burke, without objecting to the formality, said, that he had no wish for it on the present occasion; that he willingly cast himself on the honour and justice of the House; that he should gladly, if it were their pleasure, retire from the heavy burden under which they had placed him; that in order to facilitate the inquiry he should not be present at their deliberation, and should in the mean time distinctly confess that he did employ the words, on account of which the complaint had been brought. In justification of them he observed: that circumstantial evidence constituted the proof by which the pecuniary corruption of Mr. Hastings was to be ascertained; that, in tracing the indications of concealed delinquency, a solicitude to destroy the sources of evidence had always been considered as one of the strongest; that it was for this purpose, the circumstances attending the death of Nuncomar had been exhibited; that this individual having offered to produce evidence of the pecuniary corruption of Mr. Hastings, and Mr. Hastings having lent himself both actively and passively to the destruction of this source of evidence, such behaviour on the part of Mr. Hastings, was circumstantial evidence of guilt; and that if circumstantial evidence must not be produced, because the mention of the scenes from which it is to be extracted may give pain to the individual, whose imputed guilt is the object of inquiry, the use of circumstantial evidence is precluded, and the punishment of some of the most dangerous crimes is rendered impossible.

On the following day, to which the consideration of the petition was postponed, a member of the House produced, and read a letter, from Mr. Burke. Its object was to exhibit again, and in a permanent form, the reasons which induced him to abstain from any share in the controversy respecting his own behaviour; and to declare that no appearance of disfavour, no discouragement, provided the House, whose servant he was, still left in his hands the trust which they had originally placed in them, should affect his attachment to the great service which he had undertaken to render, or slacken his diligence therein to the end. Describing the petition as a stratagem, familiar to the politics of Calcutta, for turning the accuser into a defendant, and diverting inquiry, he adduced two reasons,

for declining all defence; first, because he would not expose his sources of proof to the knowledge, nor his witnesses to the power of the defendant; secondly, because a man whose conduct is good, can hardly ever be injured by unjust accusations. "It would," he said, "be a feeble sensibility on my part, which at this time of day would make me impatient of those libels, which by despising through so many years, I have at length obtained the honour of being joined in commission with this committee, and becoming an humble instrument in the hands of public justice." The last of the reasons, which were thus solemnly adduced by Mr. Burke, reaches far beyond the limits of any single inquiry, however important; since it involves in it the freedom of the press; and shows, that, even when it is converted to abuse, it is not for the advantage of an innocent man to seek to restrain it; he will find his advantage in continuing through life to despise its excesses.

In favour of Mr. Hastings it was proposed that evidence should be taken to prove the words of which the petition complained; and Major Scott made a speech, in which, after giving his own explanation of the death of Nuncomar, he adduced, as a defence on which he might rely, the circumstance, that after the facts relating to the death of Nuncomar were known in England; Mr. Hastings had been repeatedly chosen by the Ministers and the Company to fill the high office of chief ruler in India, and upon his return to England had never been called upon for one word of explanation in regard to that extraordinary affair.

That could not be a very sure defence of one party, which possibly was but a severe accusation of another.

In opposition to this proposal, and in order to explode the inquiry, it was moved, that the House do adjourn. After some contention, 158 members voted against ninety-seven, that evidence should be heard; and it was moved, that the short-hand writer be called in. This was not a proper mode, it was said, of proving the words of a member of parliament. And, in cavilling about evidence, the managers showed an inclination, not much better than that of their opponents.

It was moved, and upon division carried, that a Committee should be formed to search for precedents, and the House adjourned.

On the 4th of May the Committee reported that a precedent exactly in point was not to be found. A question then was raised, whether the examination of the short-hand writer should extend to the whole of the speech, or so much of it only as was the subject of complaint. The managers contended for the whole. Mr. Pitt spared not upon them either sarcasms or imputations. The question, urged to a division, went of course with the minister.

The words being proved, which Mr. Burke had begun with confessing, it was moved, "That no direction, or authority, was given by this House, to bring as a charge against Mr. Hastings, or to impute to him, the condemnation and execution of Nuncomar." Mr. Pitt described the motion, as a necessary atonement which the House owed to Mr. Hastings for charging him with murder; at the same time disclaiming all intention of throwing blame on the managers. Mr. Fox had not much objection to the motion, as it implied no censure on Mr. Burke, nor restrained him in future from adducing the facts; but he threw out insinuations against the minister, as having belied his professions of fairness and impartiality; and contended that it was inconsistent with the honour and justice of the House to leave men to struggle with a duty, whom they found unequal to its discharge; that in proving a crime, it was essential to the ends of justice to be allowed to adduce every relevant fact; that it was no matter whether the fact was innocent or criminal; and that in courts of law themselves, it was a rule to admit one crime as evidence to prove another; a greater crime as evidence of a less; murder, for example, as proof of a fraud.

Mr. Sheridan represented that he had used the same words a year before, when no notice was taken of them: that Mr. Hastings was familiar with the imputation of causing the death of Nuncomar, for in his defence he had noticed it, and repelled it by denial. With regard to the truth of the allegation, he called upon Mr. Pitt to rise and say, if he dared, that Nuncomar, if he had not accused Mr. Hastings, would have died the death to which he was exposed. Nor was this all. Both he and Mr. Fox declared, that if they had occasion in the course of the trial to speak again of the death of Nuncomar, they would

speak of it in terms exactly the same with those which Mr. Burke had employed.

Mr. Pitt said, "he disregarded the insinuations against himself, but he and his friends should be watchful over the conduct of the managers, and take care they transgressed not the directions of the House."

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Mr. Fox replied, "that no tyrant ever behaved in a more barbarous manner over those whom he governed, nor with more treachery and fraud: that the privileges of the Commons were never more invaded, or endangered, within this century; nay, he would say within the last, than they had been within these few days."

In consequence of this altercation, the ministerial party proposed to increase the asperity of the motion, by adding, that the words, "he murdered him by the hands of Sir Elijah Impey," ought not to have been spoken. Mr. Fox, after inveighing against the absurdity of condemning and not changing the managers, proposed the following amendment: "Notwithstanding in a former year no notice was taken of the words spoken by another manager to the same effect; and that Mr. Hastings in his defence had considered them as a charge, and given it a reply." Upon his intimating very plainly his belief, that the ministerial party, after finding it convenient to vote for the impeachment, were now at work to defeat it of its end, and through the medium of a courtly censure, meanly to convey sentiments which they were afraid or ashamed to avow, Colonel Phipps rose to order, describing the words which had been uttered, as words not fit for that assembly, and which would not be tolerated in any other place. This being treated by Mr. Francis as an indecent menace, and receiving a severe reply from Mr. Fox, strangers, that is the public, as if something were about to occur which it was not good the public should know, were turned out. Upon their admission, after an hour's exclusion, Mr. Pitt was repeating his former arguments; to which, after Mr. Fox had made a reply, the House called impatiently for the question. Mr. Fox's amendment was negatived without a division,[1] and the original motion with its

[1] There can be no doubt of the propriety of the decision. The accusation was of too serious a nature to be thrown out at random, merely to create a prejudice against the accused, in the minds of those who were sitting in

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amendment passed by a majority of 133 to sixty-six. This was followed by a motion for a vote of thanks to the managers; but that was treated as premature, and resisted by a vote for the previous question.

The trial was resumed by the Lords on the 5th of May, when Mr. Burke continued his opening speech on the charge relating to presents. He announced with great dignity the proceedings which had taken place in the House of Commons, and the restrictions which they had imposed upon him with regard to the death of Nuncomar; at the same time declaring that he had used the word *murder* only because he could not find a stronger; that the opinion of which that word was the expression, was the result of a nine years' laborious inquiry; and that it would be torn from him only with his life. On the 7th, which was the next day of the trial, he concluded his speech. It was left to the managers either to produce evidence on that part of the charge which Mr. Burke had opened, or to go on to that, the opening of which was reserved to another speaker; and the first was the mode which they preferred.

On this article of the impeachment, it will be necessary, rather more than on the former articles, to enter into the particulars of the evidence; first, because, in the history of the government and people, it was fit to confine the narrative to events of which the consequences were important to the government and people, instead of complicating it with questions which had little reference beyond the character of an individual; and, secondly, because, at this stage, a variety of questions, on the admission or exclusion of evidence, arose; questions, the operation of which extended far beyond the limits of any single inquiry, and of which, without a knowledge of the circumstances, a due conception cannot be obtained.

The question, whether the defendant had or had not

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judgment upon him for charges of very inferior criminality. If the death of Nuncomar was in any way imputable to Hastings, it should have been made matter of positive accusation. It was wholly unwarrantable to denounce him as guilty of murder, merely as a collateral proof of his being culpable of corruption. If it was impossible to substantiate the charge, as Burke well knew that it was, it was most unfair to Hastings to prefer it in so indirect a manner, as should leave him no opportunity of disproving it. With regard to the accusation itself, see former remarks, vol. iii, p. 644, note.—W.

received presents corruptly, was divided into two parts. The first related to the presents, alleged to have been received previously to the arrival of Clavering, Monson, and Francis, the receipt of which Mr. Hastings had not voluntarily disclosed; the second related to the presents which he had received when Clavering and Monson were dead, one just before, the rest after the departure of Mr. Francis for Europe, presents which, after a time, he confessed that he had received, and which he said he received not for his own use, but that of the Company.

The principal object of the managers in the first part of the inquiry was to prove, that the appointment of Munny Begum to the office of Naib Subah was a corrupt appointment, made for the sake of the bribes with which it was attended.

The first part of the proof was to show thst the choice of Munny Begum was so improper and absurd, that as no good motive could be assigned for it, so the receipt of bribes was the only rational one it was possible to find.

First, the duties of the office of Naib Subah, as described by Mr. Hastings himself, were numerous and important; and such as could not be neglected or misperformed, without the deepest injury, not only to the population of the country, but to the East India Company itself. In the long list of those duties, were the administration of justice and police, of which the Naib Subah was not, like our kings, the mere nominal head. The actual performance of a considerable portion of the business of penal judicature (for the civil was mostly attached to the office of Dewan), was reserved to him; and the portion so reserved was the high and governing portion; without which the rest could not at all, or very imperfectly, go on. The same was the case with the police, of which he was the principal organ. The conduct of all negotiations, and execution of treaties, that is, the charge of all the external relations of the state, though, really, as the agent of the Company, was ministerially vested in him. Nor was the administration of all that related to the person and family of the Nabob, who, though in a dependent condition, still maintained the appearance of sovereignty, a matter of which the performance was as easy as it might seem to be familiar.

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That the Court of Directors had the same conception of the importance of the office of Naib Subah, the managers proved by one of their despatches, in which they gave directions to choose for it "some person well qualified for the affairs of government," that is, a person endowed with the rarest qualifications. Nay, so much stress did they lay upon this selection, that they actually pointed it out as one of the most signal proofs which their President and Council could afford, that the confidence they reposed in them was not misapplied.[1]

That Munny Begum, whom Mr. Hastings appointed to this office, was devoid of every requisite qualification for the proper performance of its duties, was, they contended, indisputable, from a variety of facts and considerations. In the first place, she was a woman, that is, a person, according to Oriental manners, shut out from the acquisition of knowledge and experience; acquainted with nothing but the inside of a harem; precluded from intercourse with mankind; and, in the state of seclusion to which she was chained, incapacitated, had she possessed the knowledge and talents for those transactions with the world, in which the functions of government consist. In the next place, they contended that she was a person, not only of the lowest rank, but of infamous life; having not been the wife of Meer Jaffier; but, a dancing girl; that is, a professional prostitute, who caught his fancy at an exhibition, and was placed as a concubine in his harem.[2]

They next proceeded to prove that, when Munny Begum was chosen, other persons were set aside, whose claims were greatly superior to hers.

In the first place, if a lady of the harem of Meer Jaffier was a proper choice, the mother of the Nabob was alive; and she, it was inferred, would have been a fitter guardian of her son during nonage, than a spurious step-mother, a person whose interests were so apt to be contrary to his.

In the next place, if there was any peculiar fitness for the office in a member of the family of the late Meer

[1] Letter, dated 28th of August, 1778; Minutes, ut supra, 973.

[2] See a letter, dated 30th September, 1765, from the President Lord Clive and Council, in which her son by the Nabob is treated as a bastard. Minutes, ut supra, p. 976.

Jaffier, Ahteram ul Dowla, the brother of that Nabob, and the eldest surviving male of the family, had actually advanced his claims. But as Mr. Hastings had stated a reason for setting him aside, the managers offered to show by evidence that what he alleged was a false pretence.

The reason produced by Mr. Hastings was, that Ahteram ul Dowla had a family of his own; that he might, therefore, be tempted to shorten that life which stood between them and promotion: that his son and he, if Nabob and guardian, would possess an inconvenient, if not a dangerous, portion of power; that the establishment of any male in the office of Naib Subah would prevent the Company from availing themselves of the minority, to withdraw from the Nabob a still greater share of his power; and that, until a greater share of power were withdrawn from the Nabob, the authority and even security of the Company were by no means complete. The managers proceeded to show, that this pretext was false; and for this purpose produced a document to prove, that when a different view of the subject favoured the purpose of Mr. Hastings, he made affirmations of a very different sort. He then affirmed, that the Company had already taken from the Nabob every particle of independent power; and that the anticipation of danger from such a quarter, by any possible combination of circumstances, was altogether absurd. "No situation of our affairs," he said, "could enable the Nabob, or any person connected with him, to avail himself, by any immediate or sudden act, of the slender means which he has left to infringe our power, or enlarge his own. He has neither a military force—authority in the country—foreign connexions—nor a treasury."[1]

Having given such evidence, that the pretexts on which Mr. Hastings rejected other parties were false, the managers proceeded to give evidence that the pretexts were equally false, on which he made choice of Munny Begum. The first was, that it was inexpedient to leave in existence the office of Naib Subah. The second was, that the annual charge of three lacs of rupees, the salary of that

[1] President's Minute in Consultation, 28th July, 1772. Minutes of Evidence, ut supra, p. 973—976.

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officer, was an expense of which the East India Company would not approve. The third was, that the existence of such an officer lessened the consequence of the Company's own administration. The fourth was, that it was expedient to divide the duties among three officers, one, the guardian of the person and household of the Nabob; a second, the steward of that household, under the title of Dewan; a third, the superintendent of judicature and police, under the title of Roy Royan of the Khalsa. And a fifth was, that Munny Begum, as widow of Meer Jaffier, had a peculiar fitness for the office of guardian of the Nabob. To show that the pretext of abolishing the office of Naib Subah was false, the managers brought evidence to prove that it still existed; as all the powers of it were vested in Munny Begum, other persons being nothing but agents and subordinates dependent upon her will: "You," said the Board, "are undoubtedly the mistress, to confirm, dismiss, and appoint whomsoever you shall think fit, in the service and offices of the Nizamut; they are accountable to you alone for their conduct, and no one shall interfere between you and them." That the pretext relating to the expense was false, was proved by the fact, that no diminution was ever attempted, but the whole three lacs were given to Munny Begum and her subordinates. The pretext that the dignity of any person administering, what Mr. Hastings himself called, the slender means of the Nabob, could lessen the consequence of the Company's government, upon which both he and the Nabob depended absolutely for all they possessed, is so evidently false, as to be ridiculous. That the pretext about dividing the duties was false appeared from the fact, that they were not divided, any further than by name; Munny Begum being the absolute mistress of all the instruments, just as if she had been appointed the Naib Subah in title. And that it was a false pretext to rest the fitness of Munny Begum upon her being the widow of Meer Jaffier, was proved by the fact that she was not his widow, that she had never been his wife, but his concubine, and that her offspring had been treated as spurious by the English government.[1]

Having thus shown, or endeavoured to show, that the

[1] Minutes, ut supra, p. 978—980.

choice of Munny Begum to fill the office, or supply the place of Naib Subah, could not be accounted for upon any other supposition than that of pecuniary corruption, the managers next proceeded to prove that Mr. Hastings, as well as his creatures, did actually receive large sums of money for that appointment. And at this point began the great efforts which were made on the part of the defendant to exclude evidence; and so successfully made, that nothing more than a vigilant application of the rules which his lawyers laid down, and the lords confirmed, is necessary, in the case of a ruler who has a little cunning, to render conviction of delinquency all but impossible.

To one of the preliminary points, the managers wished to adduce the evidence of a letter of Mr. Hastings. The original letter, however, was not to be found. But there was a copy of it in the book at the India House, into which all letters were transcribed; and there was a printed copy of it in the report of the Secret Committee of the House of Commons. The counsel for the defendant objected; and the Lords determined, that before any of these copies could be received as evidence, the managers must prove three points; first, that the original letter had existed; secondly, that now it could not be found; thirdly, that the alleged copy was exact. All these points might have been determined immediately, had not one of the darling rules of the lawyers, for the exclusion of evidence, shut up, on this occasion, the source from which perfect evidence might have been immediately derived. Had the real discovery of truth been the direct and prevailing object, there stood the supposed author of the letter; he might have been asked, upon his oath, whether he did write such a letter or not; and the question would have been decided at once. Oh but! say the lawyers, this would have been to make him criminate himself. Quite the contrary, provided he was innocent; if guilty, the lawyers will not *say* that his guilt ought not to be proved. Upon the strength, however, of the lawyers' rules, this instrument for the discrimination of guilt from innocence was not to be used.

Whereas Mr. Hastings had the express commands of the Court of Directors, dated in August, 1771, to make it appear in the Nabob's accounts for what particular purpose

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every disbursement was made, and yet nothing was exhibited in those accounts but general statements of so much expended, while it was ascertained that Mr. Hastings had given no orders agreeably to the commands of the Directors, and that inaccuracies prevailed in the statements that were given; a strong presumption was thereby created against the Governor-General, because he had thus provided a grand channel through which the current of presents might flow into his pockets, without the necessity of an entry sufficient to detect them in any books of account. After the statement of this presumption, the managers proceeded to the exhibition of direct testimony, that bribes were received by Mr. Hastings, for the appointment both of Munny Begum and her subordinates. They began with the information received from the Raja Nuncomar, that Mr. Hastings had accepted a present of two lacs and a half from Munny Begum for appointing her Regent during the minority of the Nabob; and a present of one lac from himself for appointing his son, the Raja Gourdass, steward under Munny Begum. The documents produced were the Minutes of Consultation of the President and Council at Calcutta. The reading was not interrupted till it came to the examination of the Raja, before the Council, on the subject of the charges which he had preferred. The learned counsel represented that it ought not to be read, First, because it was not upon oath; Secondly, because it was taken in the absence of Mr. Hastings; Thirdly, because it was not before a competent jurisdiction; Fourthly, because the Raja was afterwards convicted of a forgery, committed before the date of the examination. On the objection as to the want of an oath, it was shown to have been the practice of Mr. Hastings to avail himself of the allegation that an oath was not a requisite to the testimony of a noble Hindu, of whose religion it was a breach. Besides, it can, on reflection, be regarded by nobody, as adding anything considerable; and may, perhaps, be, with justice, regarded as adding nothing at all to the securities for truth, to compel a man, who otherwise would certainly affirm a lie to the judge, to perform a short religious ceremony beforehand. In the case of the man, who otherwise would not tell a lie to the judge, the oath evidently is of no use whatever. Further,

testimony admits of degrees; one testimony has so many of the securities for truth, another has so many less, another fewer still; the value of each is estimated by the judge, and even the lowest is reckoned for what it is worth. So, when the oath is wanting to an article of testimony, it is only one of the securities that is wanting; and the testimony may be worthy of the highest possible credit on other accounts. As to the objection drawn from the absence of Mr. Hastings, it was treated as not merely unreasonable, but impudent. Why was Mr. Hastings absent? Because he determined not to be present: and if a man is thus allowed to fabricate by his own act an objection to evidence, and then to employ it, he is above the law. The objection to the competence of the jurisdiction was founded upon a disallowed assumption, that the Council, after it met, was dissolved by the simple fiat of the President, though the majority, whose vote was binding, determined it was not. As to the conviction of Nuncomar, the managers declared that they were only restrained by the authority of those whom they represented from asserting that it was a conviction brought about for the very purpose to which it was now applied, the suppression of evidence against Mr. Hastings. I shall add, that the rule upon which the objection was founded, is pregnant with the same sort of absurdity and injustice with the other rules of exclusion, examples of which we have already beheld. If a man has committed a crime, ought he therefore to be endowed with the privilege of conferring impunity on every crime committed in his presence, provided nobody sees the action but himself? The evidence of the greatest criminal is of so much importance, that pardon is commonly granted to any one of a combination who gives evidence against the rest.

Upon the whole, with regard to this document, it is most obvious to remark, that it is contrary to the nature of things to suppose that evil should have arisen from hearing it read; because every observation which would tend to show how little on the one side, or much on the other, was its value as an article of evidence, it was the business of the parties to present; and this the Lords were surely as competent to determine as the still more important questions which it behoved them to decide. When

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the judge has heard the information which is tendered to him, he can ascertain whether it does or does not contain any of the matter of proof, and if any, in what precise quantity, little or great: When of the evidence tendered to him there is any portion which he has not heard, he can determine nothing about it; and may possibly have lost, rejected, and destroyed that very information on which the power of righteous judgment depended.

Another observation which might have been urged with irresistible force of reason was, that the propriety of receiving such evidence was already weighed and determined by the Legislature, which, in constituting a new Court of Judicature for the trial of offences committed in India, had enacted, that all documents, of the nature of that which was now tendered in evidence, should be received as evidence. The assent of the Lords was included in every act of the Legislature; and that very assembly therefore, which had already decreed, in its legislative capacity, that such evidence was useful, now, in its judicial capacity, decreed that it was the reverse.

For the purpose for which the managers now adduced the examination of Nuncomar, it was not necessary, they said, to insist upon the truth of the testimony left behind him by that unfortunate man. They meant to exhibit the behaviour which Mr. Hastings had manifested, when accusations of such a nature were preferred against him; and by the relation of the behaviour to the charge manifest the probability of guilt. The demeanour of a criminal was circumstantial evidence of his crime.

If the examination was to be read for the sake alone of the circumstantial evidence afforded by the demeanour of Hastings, not for the purpose of adducing as evidence the testimony itself, the Counsel expressed a sort of willingness to give way. But the managers refused to bind themselves to any conditions, in limitation of what they claimed as a right. On a suggestion from Lord Kenyon, the Lords adjourned to their own chamber to consult.

On the next day of the trial, the Lords announced, "That it is not competent for the managers for the Commons to produce the examination of Nuncomar in evidence; the said managers not having proved, or even stated any thing as a ground for admitting such evidence,

which, if proved, would render the same admissible." If the reason which precedes be well founded, admissibility in regard to relevant evidence ought never to be a question.

The managers desired leave to withdraw. Upon their return, Mr. Burke declared, it was with equal surprise and concern they had heard the determination of their Lordships. It was a determination which exceedingly increased the difficulty of bringing criminality to conviction. To the Lords, however, belonged the power of determining. It remained for the managers to submit.

At a consultation of the Board of Council at Calcutta, on a subsequent day, when Mr. Hastings was present, it appeared that the minutes of consultation of the day on which the examination of Nuncomar was taken, including the examination itself were read; and that the minutes of that day were signed by Mr. Hastings, and by him transmitted to the Court of Directors. The managers proposed that these minutes should be read. The counsel for the defendant objected; as this was to introduce obliquely that very document of which the direct introduction was forbidden by the Court. The Lords, upon a second suggestion from Lord Kenyon, withdrew to deliberate, and determined, "That the circumstance of the consultation of the 13th of March, 1775, being read at a consultation of the 20th of March, 1775, at which Mr. Hastings was present, does not of itself make the matter of such consultation of the 13th of March, 1775, admissible evidence." Mr. Burke professed that, worded as the resolution was, he could not say that he perfectly understood it. It was affirmed, that one particular circumstance did not render the evidence in question admissible evidence. But perhaps there were other circumstances which might have that happy effect. If so, the managers, as not being technical men, claimed the same assistance as was due to men without professional assistance, pleading their own cause.

The Lord Chancellor replied, that what was *said* or *done* by Mr. Hastings was evidence against him; not what was said or done by other persons; for then calumny might stand as evidence of guilt. Something said or done by Mr. Hastings was therefore necessary to render this examination admissible evidence.

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Mr. Fox rejected this decision. *Forbearing* to do, was often guilt, or evidence of guilt, as well as *doing*. There are circumstances in which, if charges are made against a man, and instead of promoting, he does all in his power to prevent inquiry, he gives evidence, and satisfactory evidence of his guilt. This was the evidence which the managers desired to present to their Lordships, and which their Lordships were so unwilling to receive. If this kind of evidence were rejected, Mr. Burke would give joy to all East Indian delinquents. "Plunder on. The laws intended to restrain you are mere scarecrows. Accumulate wealth by any means, however illegal, profligate, infamous. You are sure of impunity: for the natives of India are, by their religion, debarred from appearing against you out of their own country, and circumstantial evidence will not be received." If the new principle were established, that acts of omission were not evidence, Mr. Fox observed, that Indian delinquents were rendered secure. They would take no notice of any charges preferred against them; and thereby render inadmissible the only evidence by which guilt could be proved.

The managers, therefore, proposed to read the whole of the consultation of the 20th of March, including that of the 13th, in order to show the demeanour of Mr. Hastings. Then the House adjourned to the chamber of parliament. Next day the resolution of the Lords was announced, "That the consultation of the 13th of March, 1775, cannot now be read." Mr. Burke said that how great soever the pain with which he heard the resolution, he was consoled by the use of the word *now;* which left him room to hope, that the evidence in question might be admitted another time.

As Cantoo Baboo, the Banyan of Mr. Hastings, when summoned by the Council to give evidence on the subject of the charges of Nuncomar, was ordered by Mr. Hastings not to attend, the managers affirmed that this was something *done* by Mr. Hastings; and that the condition prescribed by the Chancellor was therefore fulfilled. The Lord Chancellor asked what the Council for Mr. Hastings had to offer against this plea. Mr. Law said, they possessed their Lordships' decision for excluding this evidence, and claimed the benefit of it. The managers con-

jured the Lords to reflect, that in the sort of cases before them, to adhere to the rules of evidence upheld by English lawyers, was to let loose rapine and spoil upon the subjects of government. The managers were then asked, "if they would state the whole of the circumstances upon which they meant to rely, as a ground to entitle them to read the proceedings of the 13th of March, 1775." The managers desired leave to withdraw. Upon their return they expressed their regret, at not being able to comply with the request of the Lords. In the course of the trial various circumstances might arise, which did not at present occur to their minds. At present, they held it enough to adduce one ground which to themselves appeared satisfactory, and upon this they craved the judgment of the Court. The Lords adjourned.

At this point, the Lords demanded to be enlightened, or kept in countenance, by the sages of the law. The following question was referred to the twelve judges. "Whether it be competent for the managers to produce an examination without oath by the rest of the Council, in the absence of Mr. Hastings the Governor, charging him with corruptly receiving 3,54,105 rupees, which examination came to his knowledge, and was by him transmitted to the Court of Directors as a proceeding of the said Councillors, in order to introduce the proof of his demeanour thereupon; it being alleged by the managers for the Commons, that he took no steps to clear himself, in the opinion of the said Directors, of the guilt thereby imputed, but that he took active means to prevent the examination by the said Councillors of his servant Cantoo Baboo." To this the judges returned for answer, "That it is not competent for the managers to produce an examination, without oath, by the rest of the Councillors, in the absence of Mr. Hastings the Governor, charging him with corruptly receiving 3,54,105 rupees, which examination came to his knowledge, and was by him transmitted to the Court of Directors, as a proceeding of the said Councillors, in order to introduce the proof of his misdemeanour thereupon." It being carried in the affirmative, that the Lords do agree to this opinion, the Court was resumed, and the managers were informed, "That the examination of Nuncomar, and the rest of the proceedings of the Councillors, on the 13th

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of March, 1775, after Mr. Hastings left the Council, ought not to be read."

The managers began now to complain bitterly, that the resolutions of the Lords were pronounced without the accompaniment of the reasons on which these resolutions were founded. The managers affirmed that they were thus left completely in the dark, and embarrassed in all their proceedings. This was a point of the highest importance, and it is to be regarded as one of the most characteristic parts of the exhibition then made of itself, by the tribunal before which Mr. Hastings was tried. To issue decisions, without presenting the reasons, is to act the part not of a judge, but of a despot. The mandate of a despot rests on his will. The decision of a judge is founded on reasons, or it deserves any thing rather than the name. But if the decision of the judge is founded on reasons, it is of infinite importance that they should not be confined to his own breast. In the first place, the necessity of stating reasons is one of the strongest securities against all the causes of bad decision, the ignorance of the judge, the negligence of the judge, and the corruption of the judge; against the ignorance of the judge, by making it visible and ridiculous; against the negligence and corruption of the judge, by making him know that he himself must be the indicator of his own offences, the herald as well as author of his own shame. This is one, but not the only benefit derived from imposing upon judges the necessity of giving the reasons upon which their decisions are grounded. The public do not enjoy the advantages of security, unless they have what is called the *sense* of security, or the belief that they are secure. Unless the administration of justice yield the *sense* of security, it fails of accomplishing one of the most important of its ends. But of all possible means to convey this sense of security, one of the most potent undoubtedly is, to make known to the people invariably the reasons upon which the decisions of the judges are founded. It is this alone with which the people can, or ought to be satisfied. How can they know that a decision is just, when they are ignorant of its grounds? It is to be considered as circumstantial evidence (and evidence which in general ought to be held conclusive), when reasons are not given for a judicial decision, that it is for one of two causes;

either, 1. because no good reasons can be given: or 2. in order to favour a practice according to which decisions, for which no good reason can be given, may be pronounced at any time.

It is therefore a fundamental axiom in the science of jurisprudence, that without reasons strictly accompanying every judicial decision, the duty of the judge is most imperfectly performed, and good judicature altogether impossible.[1]

With regard to the resolution itself, Mr. Burke proclaimed, in the face of the Court by which it was formed, "That it held out to future governors of Bengal the most certain and unbounded impunity. Peculation in India would be no longer practised, as it used to be, with caution and with secrecy. It would in future stalk abroad in noonday, and act without disguise; because, after such a decision as had just been made by their Lordships, there was no possibility of bringing into a court the proofs of peculation."

The fact is of the highest importance.[1] The rules of evidence, deplorably adopted by the Lords, are so many instruments of protection to the crimes of public men in public places; that is, crimes, from the very nature of the case, more extensively mischievous than all others; and crimes of which the existence can seldom be legally ascertained except by the very sort of evidence, which the Court, set up in this country to punish them, makes rules to exclude.

Besides the examination of the Raja Nuncomar, there was recorded in the consultation of the 13th of March, a letter from Munny Begum, which stood, according to the managers, upon grounds of its own. Its authenticity was fully proved by Sir John D'Oyley, Mr. Auriol, and a Persian Moonshee who had translated it, and after having

[1] For the Lords to have assigned reasons, however unanswerable, would have only furnished the Commons with occasion of cavil — and this no doubt induced them to refuse their formal communication. For the purposes of justice, all that was really essential was performed; for although not formally communicated, the grounds of the decisions of the Lords were fully known to the managers of the Commons, as they were the consequence of discussions which were publicly reported. The managers had thus ample opportunity of controverting any doctrines adverse to their cause, without violating the privileges of parliament, or losing time and dignity in personal controversy. The character and relative positions of the parties do not admit of any analogy to the discharge of his duty by an individual judge. — W.

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examined the seal, pronounced it to be the seal of Munny Begum. This person, whose character and rank Mr. Hastings placed very high, had stated in this letter her having given a large sum of money to Mr. Hastings for appointing her regent during the minority of the Nabob. The evidence of this letter the managers proposed to adduce. The counsel for the prisoner objected. The ground of the objection was, that the letter was recorded in those minutes of the consultation of the 13th of March, which the Court had refused to admit. The House sustained the objection, and forbade the letter to be read.[1]

The next part of the proceedings is truly remarkable. "The managers desired that Philip Francis, Esq., might be called in, to prove that a letter from Munny Begum to the Raja Nuncomar, charging Mr. Hastings with a receipt of three and a-half lacs of rupees, was delivered in to the Council on the 13th of March, 1775, and that Mr. Hastings knew the Begum had written such letter." The witness was not allowed to speak to the consultation of that day, or to the letter. The reason was, because the proceedings existed in writing, the letter existed in writing; and that which itself existed in writing was better evidence than parole testimony to its contents. The witness was not allowed to speak, because there existed a writing that was better evidence; and that writing which was better evidence the Court had determined they would not receive! The witness was not allowed to speak, on the pretext that something else was better evidence, while the Court itself had determined that the said something else was not evidence at all!

When the accounts of Munny Begum, in her quality of Regent, were called for by the Board of Council, after the arrival of Clavering, Monson, and Francis, a large sum appeared, of the mode of disposing of which no explanation was given. A commission, at the head of which was placed Mr. Goring, was sent to Moorshedabad, to inquire. Upon this investigation came out the declarations of

[1] The circumstances respecting the proposal to produce this letter, and the decision upon it, appear more distinctly in the Hist. of the Trial of Warren Hastings, Esq. part ii. p. 57, than in the Minutes of Evidence, where there is obscurity, and probably an omission.

Munny Begum, that the sum not accounted for had, at the time of vesting her with the Regency, been given to Mr. Hastings and his attendants. Certain papers, stating the receipt, by Mr. Hastings, of one lac and a-half of rupees, papers transmitted by Mr. Goring to the Board at Calcutta, received by them, recorded without any objection on the part of Mr. Hastings, and transmitted by him, still without objection, to the Court of Directors, it was proposed, by the managers, to read. The council for Mr. Hastings insisted that these papers were not direct evidence, as wanting the requisite securities of oath and authentication; and not circumstantial evidence, because no act of Mr. Hastings, as required by the Court, connected them with himself. The Lords determined that the papers ought not to be read. And yet that there was matter of evidence in papers so delivered, and that there might be, in the demeanour of the person whom they regarded, it is impossible to deny. That the papers did contain the declaration of Munny Begum, was susceptible of the completest proof. That her declaration, not judicially given, and not subject to cros-examination, was of much less value than if it had received these securities, is no less true; but still, as far as it was not invalidated by other circumstances, it was of some value, and ought to have been counted for what it was worth. And if Mr. Hastings, instead of taking the course which was natural to an innocent man, took that which a consciousness of guilt would naturally prescribe, this demeanour would be circumstantial evidence against himself. Instead of permitting light to come in from these two sources, light of which the value, whatever it was, would appear, when it was seen and examined, the Lords resolved to shut it out, without permitting it to be seen at all.

The managers next offered to produce, in evidence of the same facts, an original Persian letter, under the hand and seal of the Munny Begum, signed by the Nabob, and transmitted by Mr. Goring to the Board. And as an act of demeanour, fulfilling the condition required by the Lords to constitute any document a link in a chain of circumstantial evidence, they stated that Mr. Hastings, after Munny Begum was freed from all influence but his own, never attempted to invalidate the testimony she had

BOOK VI. CHAP. II. given.[1] The House determined that the letter should not be read.

1789. The Managers next proposed to examine Mr. Goring, in order to prove that Munny Begum delivered to him a paper, in the Persian language, under her own hand, stating, that Mr. Hastings had received from her a lac and a-half of rupees, under colour of money for his entertainment. The counsel for the defendant objected to evidence of any consultation with Munny Begum, Mr. Hastings himself not being present. They objected also to the production of any paper which had not been delivered in the presence of Mr. Hastings, and the contents of it read to him. The Managers offered the paper as an original instrument, which possessed all the securities for truth required by the Indian laws, being under the seal of the Begum, and attested by the Nabob, while it was contrary to the manners of the country for a woman of rank to appear in public, or take an oath. The House decided that the paper could not, upon these grounds, be admitted as evidence against the defendant.

As Major Scott, agent of Mr. Hastings, with full, and almost unlimited powers, had delivered to the Select Committee of the House of Commons, a translation of a letter from Munny Begum to Mr. Hastings, in which she affirmed the delivery to him of one lac and a-half of rupees, the managers contended that this was a perfect acknowledgment of the letter on the part of Mr. Hastings; and that, therefore, the letter ought to be read. The matter was pressed by the managers in every possible direction: and every expedient which they could imagine for opening a way to its reception was tried, but in vain. The lawyers for the defendant, burying in silence a rule which on another occasion they would have strained their lungs to proclaim, *Qui facit per alium facit per se*, insisted that what is done for a man by his agent, is not done by himself; and that the recognition of a piece of evidence by Major Scott, was not recognition by Mr. Hastings. After some days of contention, the Lords retired to their chamber to

[1] With respect to Mr. Hastings personally, I am anxious to observe, that this affords a presumption of innocence; at least of the truth of his allegation, that the sum in question, which was given him for entertainment-money, as he had never denied it, so he never meant to conceal.

deliberate; and, on the next day of the Court, came out, in the usual oracular style, the response, "That the Persian paper, purporting to be a letter from the Munny Begum, and the translation of the same, offered in evidence by the managers for the House of Commons, ought not to be read."

Beside the absurdity already disclosed, of refusing to receive an article of evidence, because it is not so strong as it would have been, had it possessed more of the causes of strength; while the interests of truth require that the exact value of it should be ascertained, and that it should not be thrown away, but counted for what it is worth; it is obvious to common sense that the question agitated on this occasion so long and vehemently before the Court, might have been settled in one instant, by barely asking Mr. Hastings, if he acknowledged the writing as a letter to himself from Munny Begum.

The vulgar notion, that a man should not be required to give evidence which may operate against himself, is then only rational, when the law is so bad that it really ought not to be executed; and when humanity approves of every subterfuge by which men may escape from its detestable fangs. That this was once the case with the law of England, as it is the case with the laws of all countries, in times of ignorance, and times of despotism, is undoubtedly true; and then it was, that the vulgar notion, and the rule founded upon it, received their birth. In times when the law was so bad, and the King and other great men so powerful, that they were able on most occasions to use the law as a commodious instrument for executing upon individuals the dictates of their vengeance, their jealousy, their avarice, or their caprice, that great instrument for defeating the law, namely, the rule, that a man shall not be compelled to give evidence against himself, had often a very obvious though a temporary, and limited utility. Like most other matters of law, it obtained its existence more immediately from the interests of the great men. In times of rudeness, which are times of turbulence, contests are frequent for the crown; and the great men are ranged on different sides. If it happens to them sometimes to be on the winning side, it is equally incident to them to be on the losing. When that happens,

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the law will be employed to destroy them. And as they live in such a state of things that all foresee they may very probably stand in this predicament themselves, they all eagerly concur in establishing the credit of a rule that shall render it very difficult for the law to convict them; in other words, shall afford them many chances to escape. The moment, however, at which the law becomes good, and no man has power to wrest it iniquitously to his own purposes, the case is altered. The moment the law becomes such, that it really ought to be executed, that it is good for the community it should be exactly executed, that it cannot, without mischief to the community, in one instance, be defeated of its execution, then every subterfuge by which he who has infringed the law may escape, is an evil; then every thing which guards the truth from discovery, is a cause of mischief; and, surely, it is one of the most effectual expedients for guarding the truth from discovery: surely it is one of the most effectual of all the subterfuges by which he who has infringed the law may escape its penalties, if he who knows the most of the circumstances shall be protected in concealing what he knows.

Mr. Burke complained of the inextricable perplexity in which the managers were involved by these naked decisions. If reasons were given, they would know, that wherever the same reasons applied, the same decision would be pronounced. Issued without any reason, every decision stood for itself alone; was confined to an individual, not extended to a species; and furnished no rule for anything else. They doubted not but the resolution of the House was founded upon *technical grounds*. But "in the case on which their Lordships had last decided, the managers had offered in evidence a paper, proved to have been written by Munny Begum, and transmitted to Mr. Hastings—they offered also a translation of that paper, delivered to the Committee of the House of Commons by the very agent of Mr. Hastings—they proved that these papers had been sent to the prisoner in the Eleventh printed Report of that Committee, and that when he drew up his defence he must have had them before him. That papers so substantiated should have been rejected by their Lordships must be a matter of astonishment to all the

thinking part of mankind, who should happen to be unacquainted with the *technical* grounds on which their Lordships had resolved that these papers were not to be received."[1]

During these contentions two incidents occurred, the importance of which requires, that they should here be presented to view. It was given out, as a *dictum*, by Mr. Law, the defendant's counsel, that every accusation brought against a man, and not proved, was a calumny and slander. "Mr. Burke," says the historian of the trial, "replied, with much indignation, that he was astonished the learned gentleman dared to apply such epithets to charges brought by the Commons of Great Britain, whether they could or could not be proved by *legal* evidence. It was very well known that many facts could be proved to the satisfaction of every conscientious man, by evidence which, though in its own nature good and convincing, would not be admitted in a court of law. It would be strange, indeed, if an accusation should be said to be slanderous and calumnious, merely because certain rules of law declared that evidence not to be admissible in law, which would carry conviction to the breast of every man who read it."[2] But this observation, pointed as it was in the particular case, was too much limited to that particular case; as was, indeed, the misfortune of most of the

[1] The expressions are here taken from the report of the speech, in the History of the Trial, ut supra, part ii. p. 64. Mr. Burke, on this occasion, took pointed notice of a circumstance of some importance in the history of the public life of Mr. Hastings. Having warned the Lords of the wide door they laid open for the escape of guilt, by sustaining the disavowals which the guilty found it convenient to make; "In the case of Mr. Hastings," he said, "there appeared to be a system of *disavowals*. The prisoner once appointed an agent, who, in *his* name, made a formal resignation of the Government of Bengal. But the principal afterwards disavowed this act of his agent, and strenuously resisted it, though the ruin of the British empire in the East might have been the consequence of it.

"At another time he delivered at the bar of the House of Commons, (*as his own*) a written defence against the charges then pending against him in that House. But afterwards, at their Lordships' bar, he *disavowed* this defence, and produced evidence to prove that it had been drawn up by others, and not by *himself*, and that, therefore, he ought not to be accountable for the contents of it.

"In the case immediately before their Lordships, it had appeared in evidence, that Major Scott was the agent of the prisoner, and that his powers were as unlimited as words could make them, except in one point only. This agent delivered to the Committee of the House of Commons, the papers of which he was then speaking: certainly with some view, and probably to serve his principal, for he delivered them *unasked*. But now he *disavowed* all authority for such delivery."

[2] History of the Trial, ut supra, part ii. p. 62.

instruments with which Mr. Burke endeavoured to parry weapons of the lawyers. The *dictum* of the lawyer is *universally* mischievous, and also contemptible; and ought to have been proved to be so; the efficacy of it, as far as it is allowed to have any, is to provide impunity for crimes. When is it known that an accusation can be proved? Never, till the cause is tried before the judge. If an accusation must, therefore, never be brought (assuredly a calumny ought never to be brought), unless it is known that it can be proved, an accusation ought never to be preferred at all. There ought to be no accusation of guilt; and of course, no trial; and no punishment! If, in order to escape from these atrocious consequences, the lawyer will not say that it is necessary a man should *know* his accusation can be proved, but declare it is enough provided he *believes* that it can be proved, the wretched *dictum* is wholly given up. The fact is, that presumption, and often a very slight presumption, may not only justify, but urgently demand accusation. According to the vile doctrine of the lawyer, every indictment found by the grand jury, upon which a verdict of guilty is not given at the trial, is a calumny; and yet the grand jury proceed so purely upon presumption, and are so precluded from the possibility of knowing whether the accusation can be proved, that they can hear evidence only on one of the sides.

The other incident is closely connected with the foregoing. Mr. Law, whose native audacity had, by the support which he found he received, and the indignities put upon the accusation, been gradually rising to a tone of great disrepect to the managers, had now broken out into such language, as the House thought it necessary to rebuke for indecency. Mr. Law defended himself by saying, he did not mean to apply the terms *slander* or *calumny* to any proceeding of the House of Commons; but he had the authority of that House for declaring, that the Honourable Manager had used *slanderous* and *calumnious* expressions, not authorized by them. "Mr. Fox," says the historian of the trial, "took fire at this expression. He said it was indecent, and highly irregular, in an advocate, to allude to what had taken place within the walls of the House of Commons; that the learned counsel had done worse he

had *misrepresented* that to which he had presumed to allude; he had charged the whole body of the Commons with having sent up slanders in the shape of charges: and he had pronounced the deputies of the Commons calumniators, merely because they offered in evidence those very documents, on the authority of which the Commons had pronounced the charges to be well-founded, and sent them as articles of impeachment to the Lords." Mr. Law defended himself acutely from the impropriety of alluding to any proceeding in the House of Commons, by affirming that he alluded only to what the Honourable Manager himself had told them of the proceedings of that House. Mr. Fox said, that this was a new misrepresentation; their Lordships had not been told that any thing which had fallen from the managers had been designated by the House of Commons, slanderous or calumnious; nor any thing which could be tortured into such a meaning.

Mr. Fox would not proceed in the trial, until the Lords should give an opinion on this language. If that was refused, he must return to the Commons for fresh instructions.

The words were taken down, read to their author, and recognised. It was proposed that the Lords should withdraw to consider them. But a mode was found of giving satisfaction to the managers without this interruption. The Lord Chancellor, it was agreed, should admonish the learned counsel, That it was *contrary to order* in the counsel to advert to any thing that had passed in the House of Commons: That it was *indecent* to apply the terms slander or calumny to any thing that was said by their authority: And that such expressions must not be used.[1]

The managers next proceeded to prove, that when Mr. Hastings became master of the votes of the Council, he re-appointed Munny Begum and the Raja Goordass to the offices from which the majority of the Council had removed them, after those persons had presented public official accounts charging him with the receipt of three and a half lacs of rupees. This was an act of Mr. Hastings, in relation to these accounts, which, the managers contended, fulfilled the condition required by the Lords

[1] History of the Trial, ut supra, part ii. p. 62, 63.

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for receiving them. The counsel for the defendant produced his objections. The managers answered. The counsel replied. The Lords withdrew to their chamber to deliberate. They asked the opinion of the twelve judges. The judges required a little time. After an intermission of proceedings from the 17th of June to the 24th, the Lords met in Westminster Hall, and informed the managers, "That the accounts last offered by them in evidence ought not to be read."

Before any further proceedings commenced, it was proposed by Lord Porchester, one of the Peers, that certain questions should be referred to the judges. It was according to form, that this business should be transacted by the Lords in their chamber of parliament. To this they returned. And at six o'clock in the evening, they sent a message to the Commons, that they had adjourned the further proceedings on the trial for six days. When they met on the 30th in Westminster Hall, no communication of what had passed in their chamber of parliament was made to the parties. And the managers for the Commons were desired to proceed.

Upon their adjournment, however, on the 24th, the Lords had spent the day in debate; and agreed to proceed with the further consideration of the subject on the 29th. On that day, they went into a committee, "To inquire into the usual method of putting questions to the judges, and receiving their answers in judicial proceedings." A great number of precedents was read. There was a long debate. At last it was determined, "That the proceedings on the trial of Warren Hastings, Esq. had been regular, and conformable to precedent in all trials of a similar nature."

It had been agreed at an early period of the trial, that of the documents received in evidence only so much as referred strictly to the point in question should be read; and that they should be printed entire by way of appendix to the minutes. In this way, a letter of Mr. Goring, reporting the statements made by Munny Begum relative to the money received by Mr. Hastings, had been printed. This report the managers now desired might be read. As printed, by order of the peers, to give information on the subject of the trial, it was already in evidence before

them. A long contention ensued. The Lords adjourned twice to deliberate on two separate points. They at last determined, "That no paper ought to be read merely because it is printed in the appendix; and therefore that the letter of Mr. Goring, last offered in evidence, ought not to be read."

The managers offered the letter again, and urged its acceptance, on two other grounds; First, as part of a consultation which had already been read, and applied to the same subject; secondly, as rendered evidence by the demeanour of Mr. Hastings, who had requested the Court of Directors to read and consider it. The objections of the counsel were made. The usual reply and rejoinder were heard. The managers were asked, "If the above were the whole of the grounds upon which they put the admissibility of the papers offered: To which they made answer, That they were. The House adjourned to the chamber of parliament." The next day of the trial the managers were informed, that "the letter ought not to be read."

The managers, after this, proceeded to prove that when Mr. Hastings, as soon as he recovered an ascendancy in in the Council, re-established Munny Begum in the regency, the pretext upon which he grounded the proceeding, namely, the will of the Nabob, who had a right to make the appointment, was false and impostrous; in as much as the Nabob, according to Mr. Hastings himself, according to the Judges of the Supreme Court, and according to the known facts of his situation, had no will; and was nothing but a creature in the hands of Mr. Hastings. They also offered proof, that this proceeding was condemned by the Court of Directors, and that it was injurious to the government, and to the interests of the people. To the evidence tendered for this purpose, but little opposition was raised. And here the case for the managers upon the first part of this article of the impeachment was closed.[1]

[1] See the Minutes of Evidence, ut supra, p. 953—1101, with the History of the Trial, ut supra, part ii.—M.

The greater part of this second year of the trial was occupied with disputes in regard to the evidence; and it is urged in the text that these disputes originated in the technical objections of the lawyers to the evidence tendered by the managers. It is clear from a perusal of the proceedings, however, that

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Before proceeding to open the question upon the second part, the Lord Chancellor requested to know to what length of time it appeared to the managers that their proceedings on this branch of the subject would extend. As he received an answer, importing that several days would be requisite, even if no delay was created by the lawyers in objecting to evidence: and as these communications seemed to point to a design of adjourning further progress in the trial till the beginning of the next session of parliament, Mr. Hastings rose, and made a very humble and pathetic speech, complaining of the hardships of the trial, and earnestly deprecating delay. His life, he said, would not suffice, if this prosecution proceeded at the pace at which it had begun, to see it to an end. He affirmed, but qualifying the assertion carefully, that it might not appear offensive to the Lords, that he would have pleaded *Guilty*, had he foreseen the space of time which the trial would consume. He could not frame, he said, any specific prayer to their Lordships, nor could he press them to a greater waste of their time at so advanced a period of the season; but if the managers could specify any such limited period as their Lordships could devote to close the impeachment, which he had been informed was to end with this article, he would rather consent to wave all defence than postpone the decision to another year. The House adjourned to the chamber of parliament, where it was agreed to proceed on the trial on the first Tuesday in the next session of parliament.

On the 16th of February, 1790, the business of the trial, now prolonged to the fifty-sixth day, was resumed. What remained of the sixth article of impeachment, and a part of the seventh, were opened by Mr. Anstruther.

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the legal objections were provoked by the tenacity of the managers in insisting upon what was quite as technical as the legal arguments by which they were defeated—the formal recognition by the Court, of documents, which, however exceptional as legal proof, had been all along admitted to be authentic. The main fact—that alone of an equivocal appearance, the receipt of money from the Begum had been acknowledged, and the money had been accounted for,—and the appointment of her to the chief authority at Murshedabad, was matter of public notoriety. Nothing more could have been proved against Mr. Hastings, had the documents been received as testimony; and their production, therefore, was merely designed to raise in the minds of the judges a personal prejudice against him. The attempt was, with good reason, therefore, resisted by the counsel for the defence, who displayed, throughout the discussion, quite as much talent as was enlisted on the side of the prosecution.—W.

And on the 18th of February, which was the fifty-seventh day of the trial, evidence began to be heard.

A letter was produced, dated 29th of November, 1780, from Mr. Hastings to the Court of Directors. In this letter the Directors were told, that, so far back as on the 26th of June, Mr. Hastings had made "a very unusual tender," as he calls it; that is, to defray with his own money the extraordinary expense of sending against the Mahrattas the detachment under Major Camac. He also at the same time gives them to understand that the money, which he had thus expended, was not his own. But, without a word to show to whom, in that case, the money did belong, he only adds, "With this brief apology I shall dismiss the subject." His language is somewhat strange. This account of this transaction he calls an "anecdote."—"Something of affinity," he says, "to this anecdote may appear in the first aspect of another transaction." Of that transaction too, the same letter contains an account. When Bengal was threatened with the detachment of the Berar army, which, during the war with the Mahrattas, marched into Cuttack, one of the means which Mr. Hastings employed for eluding the danger was, to supply that detachment with money. He now informs the Court of Directors, that he took upon himself the responsibility of sending three lacs of rupees, unknown to his Council. Two-thirds of this sum, he says, *he had raised by his own credit*, and should charge as a debt due to himself by the Company: the other third he had supplied from the cash in his hands belonging to the Company.

About these several sums, this was all the information which the Governor-General thought fit to give to the Directors on the 29th of November, 1780.

On the 5th of January, 1781, the following notice was communicated by the Governor-General to the Members of the Council: "Honourable Sir, and Sirs, Having had occasion to disburse the sum of three lacs of sicca rupees, on account of secret services, which, having been advanced *from my own private cash*, I request that the same may be repaid to me," &c.; and on the 9th he received three bonds for the amount.

Of the whole sum, it was proved that one-third was paid to Mr. Hastings in England.

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The next document was a letter from Mr. Hastings to the Secret Committee of the Court of Directors, dated Patna, 20th January, 1782, stating that he had, when at Chunar, accepted from the Nabob Vizir, a present of ten lacs of rupees, which he requested their permission to appropriate to himself.

Another of his letters to the same Committee, dated 22nd May, 1782, gave an account of the sums which he had privately received and expended in the service of the Company. Excepting the sum from the Nabob Vizir, no information was yet given of the sources whence any part of that money had been derived. Of the use which was made of the several sums, he says, that the reference which he gives to the several accounts, in which they are credited in the Company's books, is specification enough. With regard to the sources whence they were derived, the motives for receiving them, and his own modes of dealing with them, he satisfies himself with the following mysterious and obscure expressions. "Why these sums were taken by me; why they were, except the second" (that applied to the service of Camac's detachment) "quietly transferred to the Company's use; why bonds were taken for the first," (that sent to the Berar army in Cuttack), "and not for the rest, might, were this matter to be exposed to the view of the public, furnish a variety of conjectures, to which it would be of little use to reply. Were your Honourable Court to question me upon these points, I would answer, that the sums were taken for the Company's benefit, at times in which the Company very much needed them; that I either chose to conceal the first receipts from public curiosity, by receiving bonds for the amount, or possibly acted without any studied design which my memory could at this distance of time verify: and that I did not think it worth my care to observe the same means with the rest."

The managers proved, that in the letter of the 29th of November, 1780, two-thirds of the money sent to the Berar army were stated as the money of the Governor-General himself.; that in this of the 22nd of May, 1782, the whole is stated as the money of the Company. It may, however, be also observed, that the taking of the bonds, instead of being a transaction to keep the matter

secret, was the only thing which could make it public. He received the money from a private source; he gave it to the Berar Raja privately, and told him the gift was a secret: all this might have been hid from the world for ever, except for the bonds.

Another thing which is very remarkable is, the idea which the Governor-General seems to have formed of the strange negligence of the Court of Directors toward the proceedings of their servants; when he could present to them such an account as this, of such transactions, without expecting their most severe displeasure. Great sums of money, received from secret sources, and instead of any account of such extraordinary and suspicious transactions given to them, to whom the fullest account of every transaction was due, a declaration that this was not a matter for public view, and that it would furnish a variety of conjectures if known, make up one of the strangest scenes between a master and servant, that the history of public negligence presents for the instruction of mankind.

The negligence, which the Governor-General here imputes to himself, the crime of acting in such affairs with so disgraceful a measure of inattention, that he himself knew not the motive by which he was guided, ought alone, if true, to have condemned him in the minds of vigilant employers, and proved his total inaptitude for the trust which was placed in his hands; if not true, conclusions are suggested of a different sort.

The above-mentioned account of the appropriation to the service of the Company of certain sums privately received, though dated on the 22nd of May, 1782, was not sent from Calcutta on the 16th of December. By this time, Mr. Hastings had received accounts of the inquiries instituted, and even the resolutions passed, with respect to his conduct, by the House of Commons in England. To escape the appearance of having been impelled to produce this account by the terror of investigation, he got Mr. Larkins, the Accountant-General, to affix to it his affidavit of the time in which it was written. In his letter of this date he reproaches his employers for rendering necessary, by their want of confidence, this humiliating precaution. Addressing the Secret Committee of the Court of Direc-

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tors, he says, "If I wanted integrity and honour, the Court of Directors have afforded me but too powerful incentives to suppress the information which I now convey to them through you, and to appropriate to my own use the sums which I have already passed to their credit —by the unworthy, and, pardon me if I add, dangerous reflections, which they have passed upon me for the first communication of this kind. And your own experience will suggest to you that there are persons who would profit by such a warning." He adds, with regard to the sums in question, and the declaration is important, "I could have concealed them, had I had a wrong motive, from yours and the public eye for ever." He makes in the same letter another declaration, which is worthy of a man conscious of rectitude: "If I appear in any unfavourable light by these transactions, I resign the common and legal security of those who commit crimes or errors. I am ready to answer every particular question, that may be put against myself, upon honour, or upon oath."

There he laid his finger on the material point. There he appealed to an efficient test. Innocence is proved by interrogation, and best proved when the interrogation is most severe. Had Mr. Hastings acted up to this declaration; had he really submitted himself to scrutiny; instead of using, to defend himself from it, every effort which the artifice of lawyers could invent, and every subterfuge which the imperfections of the law could afford, he might have left his rectitude, if real, without a suspicion; whereas now, if his accusers could not prove his guilt, it is still more certain that he has not proved his innocence.[1]

[1] If it had been the fortune of Hastings to have had his conduct investigated by wise, just, and dispassionate judges, he would, no doubt, have established his personal integrity and rectitude of intention, although it might have appeared that in his anxiety to provide for critical emergencies, he had not always been sufficiently scrupulous in obtaining the necessary means, nor sufficiently careful in preparing precise statements of their amount, origin, and appropriation. The investigation, however, was not instituted to ascertain truth, but to fix criminality upon him. Talents the most popular, and passions the most ungoverned, were let loose against him; and no reasonable man can believe, that if he had stood alone in his defence, his innocence would have shielded him from the combined assault of Fox, Sheridan, and Burke. His only chance of justice lay in opposing like to like, and in his friend Scott, and his counsel, Law, he was fortunate enough to find courage and ability equal to the conflict.—W.

Mr. Hastings, to prove that he never meant to appropriate the money for which he took the bonds, stated in his defence, delivered at the bar of the House of Commons, that a few months after the receipt of the bonds, that is, in July, 1781, he indorsed all three payable to the Company, and left them in the hands of the Accountant-General, with express directions to deliver them up. The managers gave evidence to prove that they were not indorsed till the 29th of May, 1782; and not communicated to the Board and cancelled, till the 17th of January, 1785.

The managers next gave in evidence a letter of Mr. Hastings to the Court of Directors, dated the 21st of February, 1784, in which he gave them an account of several sums, which had been expended in their service, but drawn from his own fortune, without having, as yet, been charged to their account. Some of the objects of this expenditure were of the most excellent kind, as the digest and translation of the native laws. Having stated these debts, amounting to a sum of not less than 34,000*l.* sterling, Mr. Hastings added, that he meant to pay himself by a sum of money which had privately come into his hands. Of the source from whence this money was derived, he afforded, as on former occasions of the sort, no information to his employers whatsoever. He left them absolutely and unceremoniously in the dark.

The managers next presented a passage from Mr. Hastings's defence, delivered at the bar of the House of Commons, in which the mode of receiving this money is declared in the following words: "In the year 1783, when I was actually in want of a sum of money for my private expenses, owing to the Company not having at that time sufficient cash in their treasury to pay my salary, I borrowed three lacs of rupees of Raja Nobkissen, an inhabitant of Calcutta, whom I desired to call upon me, with a bond properly filled up—he did so; but, at the same time I was going to execute it, he entreated I would rather accept the money than execute the bond: I neither accepted the offer nor refused it; and my determination upon it remained suspended between the alternative of keeping the money as a loan to be repaid, and of taking it and applying it, as I had done other sums, to the Com-

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pany's use; and there the matter rested till I undertook my journey to Lucknow, when I determined to accept the money for the Company's use. And these were my motives: Having made disbursements from my own cash, which I had hitherto omitted to enter into my public accounts, I resolved to reimburse myself, in a mode most suitable to the situation of the Company's affairs, by charging these disbursements in my Durbar accounts of the present year, and crediting them by a sum privately received, which was this of Nobkissen's."

A letter was then read, from the Court of Directors to the Governor-General and Council at Fort William, dated 16th March, 1784, in which they require an account (none had as yet been given) of the presents which the Governor-General had confessed. "Although it is not," they say, "our intention to express any doubt of the integrity of our Governor-General; on the contrary, after having received the presents, we cannot avoid expressing our approbation of his conduct, in bringing them to the credit of the Company: yet, we must confess, the statement of these transactions appears to us in many parts so unintelligible, that we feel ourselves under the necessity of calling on the Governor-General for an explanation, agreeably to his promise, voluntarily made to us. We therefore desire to be informed—of the different periods when each sum was received—and what were the Governor-General's motives for withholding the several receipts from the knowledge of the Council—or of the Court of Directors—and what were his reasons for taking bonds for part of these sums—and for paying other sums into the treasury as deposits on his own account."

Mr. Hastings was at Lucknow when this letter was received. He returned to Calcutta on the 5th of November, 1784; and departed for England in the month of February 1785. During all this time no answer was returned, When in England, he was given to understand that an explanation was still required; and he addressed a letter to the Chairman, dated Cheltenham, 11th July, 1785. He first apologizes, for delay, by his absence from Calcutta, and the pressure of business at the close of his government. He can give no further account, he says, of dates than he has given, though possibly Mr. Larkins could give

more. The necessities of the government, he says, were at that time so great, that "he eagerly seized every allowable means of relief;" but partly thought it unnecessary to record these secret aids, partly thought it might be ostentatious, partly that it would excite the jealousy of his colleagues. He made the sums be carried directly to the treasury, and allowed them not to pass through his own hands, to avoid the suspicion of receiving presents for his own use. Two of the sums were entered as loans. One was entered as a deposit, namely, that expended on Camac's detachment, because the transaction did not require concealment, having been already avowed. He makes a curious declaration, that though destined for the public service, and never meant for his own use, "it certainly was his original design to conceal the receipt of all the sums, except that one, even from the knowledge of the Court of Directors." This relates to all the sums, except that from the Nabob Vizir. With respect to that, he says, "When fortune threw in my way a sum, of a magnitude which could not be concealed, and the peculiar delicacy of my situation, at the time in which I received it, made me more circumspect of appearances, I chose to apprize my employers of it, and to add to the account all the former appropriations of the same kind."

In this, if something, be it what it may, be alleged, as a motive for concealment from the Council, nothing whatsoever is even hinted at as a motive for concealment from the Court of Directors. This, the principal question, was still completely evaded, and left without a shadow of an answer. One of the allegations is altogether unintelligible, that it would have excited suspicion had the sums been carried to his own house, but no suspicion when, as his money, not the Company's, it was lodged in their treasury either as a deposit or a loan. If the money was represented as his, the question, how he came by it, was the same in either case. With respect to these most suspicious transactions, two important points of information were still obstinately withheld; namely, from what parties the sums were obtained, and why the transactions were concealed from those from whom it was a crime in their servants, of the deepest dye, to conceal anything which affected the trust committed to their charge.

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On the 18th of July, 1785, a week after the date of his letter from Cheltenham, Mr. Hastings wrote to Mr. Larkins, still in India; to send to the Court of Directors, an account of the dates of the sums which he had privately received. The letter of Mr. Larkins, sent in compliance with this request of Mr. Hastings, was now produced by the managers. In this letter, beside the dates, four of the sources of receipt were incidentally mentioned; namely, Cheyte Sing, and the renters of Bahar, Nuddea, and Dinagepore.

From this, the managers proceeded to a different head of evidence; namely, the changes which Mr. Hastings had introduced in the mode of collecting the revenues. The object was to show that these changes increased the facilities of peculation, and laid open a wide door for the corrupt receipt of money; that such facilities had not been neglected; and that money had been corruptly received. The great points to which the managers attached their inferences of guilt were three; the appointment of the Aumeens, with inquisitorial powers for the purpose of the inquiry into the taxable means of the country, at the termination of the five years' settlement in 1777; the abolition of the Provincial Councils and appointment of the Committee of Revenue; and the receipt of presents from the farmers of the revenue in Nuddea, Dinagepore, and Bahar.

The managers began with the Provincial Councils. It was proved by a variety of documents, that the Provincial Councils had received the strongest approbation of the Court of Directors. It was proved that they had repeatedly received the strongest testimonies of approbation from Mr. Hastings himself. Yet, on the 9th of February, 1781, Mr. Hastings abolished them; and formed his Committee of Revenue.

It was next proved, that Gunga Govind Sing was appointed Dewan to this Committee; and that high and important powers were attached to his office.

To prove that the character of Gunga Govind Sing was bad, a consultation of the Council, in 1775, was read. On that occasion he was, for a fraud, dismissed from his office of Naib Dewan to the Provincial Council of Calcutta; Mr. Francis and Mr. Monson declaring that, from general

information, they held him to be a man of infamous character; the Governor-General asserting that he had many enemies, and not one advocate, but that all this was general calumny, no specific crime being laid to his charge. Lastly, the managers offered evidence to prove that Gunga Govind Sing, at the time of this appointment, was a public defaulter, by a large balance, of which he would render no account.

They now passed from the abolition of the Provincial Councils to the present from the revenue farmer at Patna. In the sixth article of charge, Mr. Hastings was accused of having taken from a native, of the name of Kelleram, as a consideration for letting to him certain lands in Bahar, a sum of money amounting to four lacs of rupees. It was inferred that this was a corrupt appointment, as well from other circumstances as from this: that Kelleram was notoriously a person of infamous character, and, in all other respects, unqualified for the office.

The managers proposed to begin with the proof of this unfitness. The Counsel for the defendant objected; because unfitness was not a charge in the impeachment. After hearing both parties, the Lords adjourned. Finally, they resolved, "That the managers for the Commons be not admitted to give evidence of the unfitness of Kelleram for the appointment of being a renter of certain lands in the province of Bahar; the fact of such unfitness not being charged in the impeachment."

The point is of importance. It is only when conformable to reason, that the authority of lords, or of any one else, is the proper object of respect.

Whether the appointment of a particular man to a particular office was corrupt, or not corrupt, was the question to be tried. If circumstantial evidence is good in any case, it is good in this. But, surely, it will not be denied, that the fitness or unfitness of the person to the office, is one among the circumstances from which the goodness or badness of the motives which led to his appointment may be inferred. Accordingly, the counsel for the defendant did not deny that the unfitness of Kelleram was proper to be made an article of circumstantial evidence. Not denying that it would be just matter of evidence, if given, they insisted that it should not be given.

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Their objection amounted to this, that to prove one fact of delinquency, no other fact importing delinquency shall be given in evidence, unless the evidentiary fact itself is charged as delinquency in the instrument of accusation. Now such is the nature of many crimes, that other crimes are the most common and probable source of circumstantial evidence. At the same time, it may be very inconvenient, or even impossible, to include all these minor crimes in the instrument of accusation appropriated to the principal crime. They may not all be known, till a great part of the evidence has been heard and scrutinized. The tendency of such a rule cannot be mistaken. It adds to the difficulties of proving crimes; it furnishes another instrument, and, as far as it operates, a powerful instrument, for giving protection and impunity to guilt. The objection, that a man cannot be prepared to defend himself against an accusation which has not been preferred, is futile; because the fact is not adduced as the fact for which the man is to be punished, but a fact to prove another fact. Besides, if on this, or any other incident of the trial, he could show cause for receiving time to adduce evidence, or in any other way to prepare himself, for any fresh matter which might arise on the trial, a good system of judicature would provide the best mode of receiving it.

Mr. Burke took the liberty of making remarks. He said the Commons of England had a right to demand that they should not be held to technical niceties. And he complained of the obstruction which this resolution of the Court would create, in dragging to light the offences of the accused, or even in ascertaining the measure of the crime. "If the managers were to be debarred," he said, "from giving evidence of corrupt intentions, and of aggravations arising from circumstances, *not specifically stated in the charges*, it would be impossible for their Lordships to determine the amount of the fine, which ought to be imposed upon the prisoner, if he should be convicted; and their Lordships must, in the end, be embarrassed by their own decision."

The managers then gave in evidence, that, in July, 1780, Mr. Hastings wrote an order to the chief of the Patna Council, to *permit* Kelleram to go to Calcutta: that it

was debated in the Council, whether, "in his present situation," he ought to be permitted to go in consequence of the Governor-General's orders: that two out of five members voted against the permission: that Kelleram, on receiving permission, requested a guard of Sepoys for his protection down to Calcutta, which was granted: that proposals were received by Mr. Hastings from Cullian Sing for renting the province of Bahar: that the proposals were accepted: and that Kelleram was appointed deputy, or naib.

The managers for the Commons stated, that they would next give evidence to show that this bargain had been extremely injurious to the interests of the Company, as Kelleram had not made good his engagements.

The Counsel for the defendant objected to this evidence, and a long debate ensued. They took the same ground as before, that this would be evidence to a crime not specified in the charge. The Lords adjourned, and spent the rest of the day in deliberation. On the next day of the trial, the managers were informed, "That it was not competent for them to give evidence, upon the charge in the sixth article, to prove that the rent at which the defendant, Warren Hastings, let the lands, mentioned in the said sixth article of charge, to Kelleram, fell into arrear and was deficient." Yet why should a fact, which was offered only as a matter of evidence, be rejected as evidence because it was not offered also as matter of charge? This was to confound the most important distinctions. Assuredly, if the corruption of a bargain can be proved by circumstances, its evil consequences, if such as might easily have been, or could not but be, foreseen, is one of those circumstances, and an important one. This, said the Lords and the lawyers, must not be adduced.

The managers vehemently renewed their complaint, that the resolutions of their Lordships were unaccompanied by the reasons on which they were founded. The judges of other courts, it was said, pursued a different course. The evil consequence on which they principally rested their complaint was, the ignorance in which a decision without a reason left them of what would be decided in other cases.

The managers next gave in evidence, that a rule, with

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regard to peshcush, or the gratuity offered by a renter upon the renewing of his lease, had been established in 1775; and that a small sum, merely to preserve an old formality, was accurately prescribed, and made permanent. The great sum, taken by Mr. Hastings from Kelleram, was not, therefore, peshcush. Mr. Young, who had been six years a member of the Provincial Council of Patna, said that the lease stood in the name of Cullian Sing; but Kelleram was considered as a partner. Being asked, Whether, if the lands had been let at their full value, it would have been for the interest of Kelleram to give four lacs of rupees as a gratuity upon the bargain, he replied, "I think, in the circumstances in which Kelleram stood, he could not afford it." He was asked, "In what circumstances did he stand?" The opposing lawyers objected; upon the old ground, that the unfitness of Kelleram was not matter of charge. True, and not proposed to be made. But it was matter of evidence, and, as such, ought to have been received. The managers waved the question.

The same witness proved, that at the time when this bargain was struck between Mr. Hastings and Kelleram, a contract had actually been concluded for the whole province by the Provincial Council, who had let the lands, in the usual proportions, to the Zemindars of the country and other renters. This legal transaction was therefore violated by the bargain subsequently struck between Mr. Hastings and Kelleram. Within the knowledge of the witness, the province had never before been all let to one man.

It was given in evidence that Cullian Sing was Dewan of the province; that it was the duty of the Dewan to check the collectors, and prevent the oppression of the ryots; that of course this check was annihilated by making the Dewan renter; but it was also stated, that Cullian Sing had never, in fact, exercised any of the powers of Dewan, being prevented by the Provincial Council as unfit.

The witness was asked, "Whether the withdrawing the Provincial Council, and abolishing the office of Dewan, did not put it in the power of the farmer to commit oppression with greater ease than before?" His answer was, "Doubtless." He was asked "What impressions the letting of the lands to Kelleram and Cullian Sing made upon the minds of the inhabitants of the country?"

Mr. Young answered, "They heard it with terror and dismay." After the answer was given, Mr. Law objected to the question; it not being within the competence of the witness to speak of any body's sentiments but his own. To give in evidence the sense of the country was on the other hand affirmed to be an established practice. The Lords returned to their own house. They put a question to the judges. The judges requested time to answer it. And further proceedings on the trial were adjourned for two days. When the court resumed, the managers were informed, "That it was not competent for them to put the following question to the witness on the sixth article of the charge;—What impression the letting of the lands to Kelleram and Cullian Sing made upon the minds of the inhabitants in the province of Bahar." Yet it will not be denied, that when a man was set over a country with powers to which those of a despot in Europe are but trifling, the impression on the minds of the people might rise to such a height as to be a circumstance of great importance, and indispensably necessary to be taken into the account, in forming a correct and complete conception of the views of him by whom the appointment was made To refuse to receive such evidence is, therefore, to refuse the means of forming a complete and correct conception of that on which the most important judicial decisions may turn.

The witness was asked, what effects arose from the appointment of Kelleram? and how he conducted himself as renter of the province? Neither of these questions was allowed.

After this the managers went back to the abolition of the Provincial Councils and the Committee of Revenue. Mr. Young deposed, that Gunga Govind Sing, who was appointed Dewan; that is, under the new system, the great executive officer of revenue was a man of infamous character in the opinion both of Europeans and natives; that the Board of Revenue was, in his opinion, an institution which gave a new degree of power to the Governor-General; that under that system, mischief could more easily exist and be concealed than under that of the Provincial Councils; that the people were more open to the oppression of the Dewan. When the question was asked,

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whether it came within his knowledge that more evil, or less evil, existed under the Committee of Revenue, than under the Provincial Councils, the right of exclusion was urged afresh. Acts of oppression could not be given, because oppression was not charged in the articles. Be it so; but corruption was charged, and acts of oppression were offered as proof of it. Nor is there any contempt of rationality so great as to deny, that acts of oppression may afford evidence, in proof of corruption. To exclude that evidence, by rule, is to deprive justice of one of the means of disclosing guilt. The managers maintained, that oppression was in reality matter of charge, by the words, "to the great oppression and injury of the said people." The lawyers contended, that this, like the words, "contrary to the peace of our Lord the King," was but an inference of law. The managers insisted that the cases were radically different, because an act of murder, felony, treason, was, by its nature, and necessarily, contrary to the King's peace; the appointment of a Board of Revenue was not by necessity, oppression. The oppression was not matter of inference, but matter of proof. The Lords adjourned to deliberate, and consumed in the chamber of parliament the rest of the day. The managers were at last informed, "That it was not competent for them to put the following question to the witness upon the seventh article of charge, viz., Whether more oppressions did actually exist under the new institution than under the old."

The managers then reverted to the bargain of Mr. Hastings with Cullian Sing, and Kelleram. The purport of the questions was to prove that a rumour, a prevalent belief, of the receipt, as a gratuity or present, of a sum of four lacs of rupees, by Mr. Hastings, existed, previous to the time at which he made confession of it to his employers. Many of the questions of the managers were resisted by the Counsel for the defendant; but such questions were put by some of the Peers as elicited proof that the rumour did precede the confession.

By cross-examination it was shown, that the abolition of the Provincial Councils was injurious to the interests of the witness; that Gunga Govind Sing, to whose reputed character he spoke, lived at Calcutta, while he himself resided principally at Patna; that one of the individuals

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from whom he had heard a bad character of Gunga Govind Sing was his enemy: but that his bad character was a subject of common conversation.

In the course of this examination it came out, though the Counsel for the defendant objected to it as evidence, that Kelleram at the time of his bargain with Mr. Hastings was a bankrupt and a prisoner.

Mr. David Anderson was examined, the President of the Committee of Revenue, and a man selected by Mr. Hastings for the most important employments. It appeared that his office, as President of the Committee, was almost a sinecure, for excepting about three months, he was always absent on other employments. He, too, was acquainted with the rumour about the money received from Kelleram, which made him so uneasy about the reputation of Mr. Hastings, that he conversed with him upon the subject, and was told that the money had been accounted for. He understood, that sums were privately received from persons employed in the revenue, which never were entered in the public accounts. He himself was sworn not to receive money privately. The Dewan of the Committee of Revenue might extort money unduly from the people, without detection, provided the offence was not very general. The question was put, and a most important question it was: "Whether, after all, the Committee, with the best intention, and with the best ability, and steadiest application, might not, to a certain degree, be tools in the hands of the Dewan." The question was objected to, and given up.

On his cross-examination, he affirmed that Gunga Govind Sing had not a bad character, he thought he had in general a good character. To show that three lacs of the money privately received were sent to the Berar army, two questions were put, to which the managers objected, with as little to justify their objections, as those of their opponents, and more to condemn them, because contrary to the principles to which they were calling for obedience on the opposite side.

The managers added the following pertinent questions: "Whether during the whole of the year 1780, there was any such distress in the Company's affairs as to put them to difficulty in raising three lacs of rupees? I do not be-

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lieve there was.—Whether after the year 1781, the Company did not borrow several millions?—They borrowed very large sums; I cannot say what."

This was intended to meet the allegation of Mr. Hastings, that the extreme exigence of the Company's affairs had led him to the suspicious resource of taking clandestine sums of money from the subjects and dependants of the state.

After some further evidence, bearing upon the same points, and exciting objections of the same tendency, on which therefore it is unnecessary to dwell, the managers proceeded to the questions connected with the province of Dinagepore, whence one of the secret sums had been derived.

In order to show the opinion of Mr. Hastings himself, that great enormities might be committed under the Committee of Revenue, and yet be concealed, they read the passage from his minute of the 21st of January, 1785, in which he says, "I so well know the character and abilities of Raja Deby Sing, that I can easily conceive it was in his power both to commit the enormities which are led to his charge, and to conceal the grounds of them from Mr. Goodlad," the collector, and Company's chief officer in the district. The managers said, they would next proceed to show the enormities themselves.[1]

But the Counsel for the defendant objected, on the ground they had so often successfully taken, that these enormities were not matters of charge. To this, as before, the simple answer is, that corruption was the matter of charge; and that the enormities of a man placed in a situation to do mischief might be a necessary and important article in the proof that corruption placed him there. To reject it was, therefore, to reject that without which it might be that justice could not be faithfully administered; without which it might be that misconception would be created in the mind of the judge; and hence misdecision, wrong in place of right, become the ultimate and unavoidable result.

The managers again contended that oppression *was* a

[1] It is worthy of remark, that by this time Burke knew, that the authority on which these enormities were asserted had been retracted. See p. 110. See also Hastings's Defence at the end of the next note.—W.

matter of charge; that Mr. Hastings well knew it must flow from the system which he pursued; and that the honour of the Court, and the character of the British nation, were at stake, when the question was, whether enormities, such as no tongue could describe, should be thought worthy of investigation, or be for ever screened from it by lawyers' ceremonies. The Counsel for the defendant answered this appeal to honour and feeling, by challenging the managers to make these enormities an article of impeachment, and boasting their readiness to meet such a charge. But this was a mere evasion. Why meet those enormities only as matter of impeachment, refuse to meet them as matter of evidence? They had the same advantages in the one case as in the other. They might equally display the weakness, if any existed, in the evidence brought to support the allegations; they might equally bring counter-evidence, if any existed, to disprove them. As far, therefore, as the challenge had any effect, it was an effect contrary to the interests of justice.[1]

[1] The whole of this scene, as given by the Historian of the Trial, is curious, and forms an important incident in the History of Mr. Hastings.

"Mr. Burke said, that he must submit to their Lordships' decision, but he must say, at the same time, that he had heard it with the deepest concern: for if ever there was a case in which the honour, the justice, and the character of a country were concerned, it was in that which related to the horrid cruelties and savage barbarities exercised by Deby Sing, under an authority derived from the British Government, upon the poor forlorn inhabitants of Dinagepore; cruelties and barbarities so frightfully and transcendently enormous and savage, that the bare mention of them had filled with horror every description of people in the country.

"The impression that even the feeble representation which his slender abilities had been able to produce had made upon the hearts and feelings of all who had heard him, was not to be removed but by the evidence that should prove the whole a fabrication.—The horror which the detail of those cruelties had produced in the minds of all classes of people was indescribable; the most dignified ladies of England had shuddered, and some had fainted, at the bare recital; and was no evidence now to be received to prove the existence of those acts of barbarity which had shocked the whole nation?

"Mr. Law said, It was not to be borne, that the Right Hon. Manager should thus proceed to argue in reprobation of their Lordships' judgments solemnly given.

"Mr. Burke said, nothing could be further from his intention than to reprobate any decision coming from a Court for which he entertained the highest respect. But he was not a little surprised to find, that the learned Counsel should stand forth the champion for their Lordships' honour;—they were themselves the best guardians of their own honour; and it never could be the intention of the Commons to sully, much less to call in question, the honour of the House of Peers. As their *co-ordinate* estate in the Legislature, the Commons were perhaps not less interested than their Lordships themselves in the preservation of the honour of that noble House; and therefore he never could think of arguing in *reprobation* of any of its decisions.

"But the truth was, that the decision upon which he was then speaking was

BOOK VI. CHAP. II. To meet the allegation of Mr. Hastings, that he took one present, because money was not in the treasury to pay

1790. not upon a question put by the Commons: the Lords had no doubt decided properly; but it was certainly upon their own question, and not upon that of the Commons. If the Commons had been suffered to draw up their question themselves, they would have worded it in a very different manner, and called for the judgment of the House upon a question very differently stated from that on which the decision had just been given.

"It was true, that the cruelties charged in the article were not stated, *eo nomine*, to have been exercised by Deby Sing; but the article charged Mr. Hastings with having established a system which he knew *would* be, and in point of fact *had* actually been, attended with *cruelty* and *oppression*.—The article did not state by whom the acts of cruelty had been committed, but it stated cruelty in general; and of such cruelty, so charged, the managers had a right to give evidence.

"He observed, that their Lordships must perceive a difference in the case thus stated, from that which they had stated themselves, and on which they had decided. He begged, therefore, that they would consider seriously what effect this decision would have upon this part of the article, and upon the general character of the country.

"If they were entirely to shut out all evidence of those acts of cruelty, what would the world say? what would be the opinion of mankind? It would astonish the surrounding nations, that the door should be shut upon the proof of cruelties, the bare recital of which had harrowed up the souls of all who had heard it. The character of the nation would suffer, the honour of their Lordships would be affected, if, when the Commons of England stood ready to prove the existence of barbarities that had disgraced the British name, and called for vengeance on the guilty heads of those who were in any degree instrumental in them, they should be stopped, and told that no evidence could be received in proof of those barbarities. A Noble Lord, deservedly high in the opinion of his Peers, had said, when he heard those savage cruelties detailed, that, compared with the *enormity* of them, all the articles of the impeachment weighed not a feather; that if the detail was founded in truth, no punishment could be too severe for whoever should be found to have had any part in exercising them.

"The same Noble Lord, Mr. Burke observed, had said, that if the Hon. Manager did not make good this most horrid of all charges, he ought to pass for the most daring calumniator.

"Upon that issue, said Mr. Burke, I am ready to put my character: suffer me to go into the proofs of those unparalleled barbarities; and if I do not establish them to the full conviction of this House and of all mankind; if I do not prove their immediate and direct relation to, and connexion with, the system established by Mr. Hastings, then let me be branded as the boldest calumniator that ever dared to fix upon unspotted innocence the imputation of guilt."

"Earl Stanhope called Mr. Burke to order. His Lordship said, that the *time* of the House must not be wasted in arguments upon question, on which their Lordships had already decided."

"Mr. Burke said, that it was his object to save the HONOUR and the CHARACTER of their Lordships, and not their TIME: and it could not have entered his head, that whilst he was pursuing so great an object, he could be supposed to be wasting their TIME, which, though certainly precious, could not weigh a feather against their HONOUR and CHARACTER.

"However, let that be as it might, he had done: he had endeavoured to rescue the character and justice of his country from obloquy; if those who had formerly provoked inquiry, if those who had said that the savage barbarities which he had detailed had no other existence than that which they derived from the malicious fertility of his imagination, if those who had said that he was bound to make good what he had charged, and that he would deserve the most opprobrious names if he did not afford Mr. Hastings an opportunity of doing away the impression which every part of the nation had received from the picture of the savage cruelties exercised by Deby Sing; if, he repeated they now shrunk from the inquiry for which they had before so loudly called,

his salary, accounts were produced which showed that it was six months in arrear in August, 1783; that it was

if they now called upon their Lordships to reject, and not listen, to the proofs which they before had challenged him to bring, the fault was not with him; he had done his duty to his country, whose honour and justice had been outraged; to the House of Commons, who had sent him to their Lordships' bar, to express their abhorrence of cruelties, and to point the vengeance of the law against those who had been instrumental in practising them; and he had done what he owed to himself, in offering to prove all that he had advanced on the subject, on pain of being branded, if he should fail in his proofs, as a bold and infamous calumniator.—'Upon the heads of others, therefore (said he), and not upon those of the Commons of Great Britain, let the charge fall, that the justice of the country was not to have its victim. The Commons have shown their readiness to make good their charges.—But the defendant shrinks from the proof, and insists that your Lordships ought not to receive it.'

"Mr. Law, with unexampled warmth, whether real, or assumed in consequence of instructions in his brief, we cannot pretend to say, replied to Mr. Burke. He said that the Right Hon. Manager felt bold, only because he knew the proof which he wanted to give *could* not be received; that, from the manner in which the charge was worded, their Lordships *could not*, if they *would*, admit them, without violating the clearest rules and principles of law. 'But,' said he, 'let the Commons put the detail of those shocking cruelties into the shape of a charge which my client can meet; let them present them in that shape at your Lordships' bar, and then we will be ready to hear every proof that can be adduced. And if, when they have done that, the Gentleman for whom I am now speaking, does not falsify every act of cruelty that the Honourable Managers shall attempt to prove upon him, MAY THE HAND OF THIS HOUSE AND THE HAND OF GOD LIGHT UPON HIM!'

"After this ejaculation, delivered in a tone of voice not unlike that of the theatric hero, when he exclaims, 'Richard is hoarse with calling thee to battle!'—this part of the business ended." History of the Trial of Warren Hastings, Esq., part iii. pp. 54—56.

Beside what Mr. Burke had thus declared, Mr. Fox, in the speech in which he summed up the evidence on this article, said, "The Counsel for the defendant had, upon this subject, invoked the judgment of their Lordships, and the vengeance of Almighty God, not on their own heads, but on the head of their client, if the enormities of Deby Sing, as stated by his Right Hon. Friend, should be proved and brought home to him. He knew not how the defendant might relish his part in this imprecation which the Counsel had made; but, in answer to it, if the time should come when they were fairly permitted to come to the proof of those enormities, he would, in his turn, invoke the most rigorous justice of the Noble Lords, and the full vengeance of Almighty God, not on the head of his Right Hon. Friend, but on his own, if he did not prove these enormities, and bring them home to the defendant, in the way which his Right Hon. Friend had charged them upon him; and this he pledged himself to do, under an imprecation on himself, as solemn as the Counsel had invoked on their client." As these passages, and the passages from the introductory speech of Mr. Burke, have been presented to the reader, it is fair that he should also receive what Mr. Hastings said in his defence.

"I will not detain your Lordships by adverting, for any length, to the story told by the manager who opened the general charges relative to the horrid cruelties practised on the natives of Dhee Jumla by Deby Sing. It will be sufficient to say, that the manager never ventured to introduce this story in the form of a charge, though pressed and urged to do so in the strongest possible terms, both in and out of Parliament.—Mr. Paterson, on whose authority he relied for the truth of his assertions, and with whom, he said, he wished to go down to posterity, has had the generosity to write to my attorney in Calcutta, for my information, 'That he felt the sincerest concern to find his reports turned to my disadvantage, as I acted as might be expected from a man of humanity, throughout all the transactions in which Deby Sing was concerned.—Had the cruelties which the manager stated, been really inflicted, it was not possible, as he very well knew at the time, to impute them, even by any kind of forced construction, to me.—My Lords, it is a fact that I was the

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four months in arrear in September of that year; that it continued between four and five months in arrear till December; and that it was eight months in arrear on the following April, when it was completely paid up.

The managers next proposed, that a letter of the Governor-General should be read, to prove that the plan which he himself had represented to the Court of Directors, as best, namely, to let the lands, especially the larger districts, to the ancient Zemindars, had been violated by himself, and violated by a preference given to persons not only of another description, but persons in the highest degree worthless and exceptionable. Mr. Law was again ready with his objections. The disconformity of the conduct of Mr. Hastings, with his opinions, was not in charge. On this occasion, Mr. Burke made his celebrated declarations; First, That the efficiency of Impeachment was indispensable to give practical utility to the principles of the English constitution; the machinery of which, without this particular spring, would remain totally insufficient for the purposes of good government: Secondly, That the technical rules of pleading and evidence, set up by the lawyers, were, if sanctioned by the Lords, most completely sufficient to destroy the useful efficacy of impeachment. The Lords did sanction and confirm (Mr. Burke confessed and bewailed the fact) the technical rules of the lawyers. He was, therefore, bound by consistency to this important conclusion; That the English constitution re-

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first person to give Mr. Paterson an ill opinion of Deby Sing, whose conduct upon former occasions, had left an unfavourable, and perhaps an unjust, impression upon my mind. In employing Deby Sing, I certainly yielded up my opinion to Mr. Anderson and Mr. Shore, who had better opportunities of knowing him than I could have. In the course of the inquiry into his conduct, he received neither favour nor countenance from me, nor from any Member of the Board. That inquiry was carried on principally when I was at Lucknow, and was *not* completed during my government, though it was commenced and continued with every possible solemnity, and with the sincerest desire, on my part, and on the part of my colleagues, to do strict and impartial justice. The result I have read in England; and it certainly appears, that though the man was not entirely innocent, the extent of his guilt bore no sort of proportion to the magnitude of charges against him. In particular, it is proved that the most horrible of those *horrible* acts, so artfully detailed, and with such effect, in this place, *never were committed at all.*

"Here I leave the subject, convinced that every one of your Lordships must feel for the unparalleled injustice that was done to me by the introduction and propagation *of that atrocious calumny.*" How far these allegations of a man in his own favour, who would not allow them to be submitted to proof, are entitled to weigh, is the question which remains.

mains but a delusive name; and affords no security for good government.[1]

The Lords retired to their chamber to deliberate; and, on their return, which was not till the succeeding day of the trial, announced, that it was not competent for the managers to produce the evidence proposed.

To show that the offices of Farmer of the revenue, and the Dewan, the latter of which was intended to be a check upon the former, were never united in one person, except in two of the instances in which Mr. Hastings received money, the following extract of a letter from Mr. Shore, President of the Committee of Revenue, to the Governor-General and Council, dated 2nd of November, 1784, was read: "Raja Deby Sing was Farmer, Security, and the Dewan of Rungpore. The union of the two former offices in the same person requires no explanation, since the practice is very general, and is founded upon solid and obvious reasons. The investiture in the office of the Dewan, during the period in which he held the farm, is less common, but not without precedent; for Raja Cullian Sing stood precisely in the same predicament with regard to the province of Behar."

The managers next adduced evidence, with respect to an offer made by the Vizir in the month of February, 1782, of a second present of ten lacs of rupees to Mr. Hastings. Mr. Hastings declined acceptance of the present, on his own account; and communicated the circumstance to the Council, who used endeavours to obtain the money for the Company.

[1] The words of Mr. Burke, as reported by the historian of the trial, are as follow: "At the revolution, the people had taken no other security for that preservation, and for the pure and impartial administration of justice, than the responsibility of ministers and judges to the High Court of Parliament. An impeachment by the Commons was the mode of bringing them to justice, if the former should attempt any thing against the constitution, or the latter should corruptly lend themselves to measures calculated to set aside the government by law, or should attempt to pollute the source of public justice.

"If in the pursuit of such criminals, the Commons, who could have nothing in view but substantial justice, were to be stopped at every step by objections drawn from technical rules and forms of pleading, then would the greatest and most dangerous criminals escape the vengeance of offended justice: parliamentary impeachments, which were the principal, if not the only security for the preservation of the constitution, would become nugatory and vain; and the most corrupt ministers might, without check or control, pursue the most anti-constitutional career, unawed by responsibility, or an impeachment from which they could have nothing to fear." History, ut supra, part iii. p. 58.

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Evidence was next adduced to prove that Mr. Hastings had remitted, through the East India Company, since his first elevation to the head of the government in Bengal, property in his own name to the amount of 238,757*l.*

Mr. Shore being examined whether Gunga Govind Sing was a fit person to be the Dewan, or principal executive officer of revenue, declared that, in his opinion, no native ought to have been employed in that situation. To the character of the natives, in general, he ascribed the highest degree of corruption and depravity.

Mr. Fox summed up the evidence, thus adduced on the sixth and on part of the seventh and fourteenth articles of impeachment, on the 7th and 9th of June, 1790, the sixty-eighth and sixty-ninth days of the trial. The Lords then adjourned to their chamber, and agreed to postpone the trial to the first Tuesday in the next session of parliament.[1]

Some incidents, which, during these proceedings, took place in the House of Commons, it is requisite briefly to mention. On the 11th of May, in conformity with a previous notice, Mr. Burke, after a speech in which he criticized severely the petitions of Mr. Hastings, who had bewailed the hardships of the trial, and complained of delays, though he himself, he affirmed, was the grand cause of delay, and appeared to have contrived the plan of making his escape by procrastination, moved two resolutions. First, that the House would authorize the managers to insist upon such alone of the articles as should appear to them most conducive in the present case to the satisfaction of justice: Secondly, that the House was bound to persevere till a judgment was obtained upon the articles of principal importance. The minister supported the first of the motions, but the other, as unnecessary, he thought the manager ought not to press. Mr. Fox laid the cause of delay upon the obstructions to the receipt of evidence, particularly the want of publicity in the deliberations upon the questions of evidence in the House of Lords; because every decision, unaccompanied with reasons, was confined to a solitary case; and all other cases were left as uncertain

[1] On this head of the proceedings, have been followed the printed Minutes of Evidence, ut supra, p. 1103—1301, and the Hist. of the Trial, ut supra, part iii.

and undecided as before. Some days after these proceedings, appeared, in one of the newspapers, a letter, signed by Major Scott, containing a short review of the trial, and animadverting with great severity upon the managers; treating it as no better than a crime, and, indeed, a crime of the deepest dye, to have prosecuted so meritorious an individual as Mr. Hastings at all; but a still greater enormity not long ago to have closed all proceedings against him. Of this publication, complaint was made in the House of Commons. The author, as a member of the House, was heard in his defence. The letter was treated as a libel on the managers, and a violation of the privileges of the House. The minister admitted the truth of these allegations; but urged, with great propriety, that the House had exceedingly relaxed its practice, in restraining the publication either of its proceedings, or censures bestowed upon them; that the common practice of the House formed a sort of rule, a rule to which every man had a right to look, and which he had a right to expect should not be violated in his particular case: that under a law, formed by custom, or fallen partially into desuetude, no individual instance ought to be selected for punishment if it was not more heinous than those which were commonly overlooked; and, on these principles, that the present offence, though it might require some punishment, required, at any rate, a very gentle application of that disagreeable remedy. The managers were more inclined for severity. Mr. Burke made an important declaration: "That he was not afraid of the liberty of the press; neither was he afraid of its licentiousness; but he avowed that he was afraid of its venality." He then made an extraordinary averment, that 20,000*l.* had been expended in the publication of what he called, "Mr. Hastings's libels." It was finally agreed, that the offender should be reprimanded by the speaker in his place.

Before the time appointed by the House of Lords for resuming the business of the trial, the parliament was dissolved. This gave birth to a question, whether a new parliament could proceed with the impeachment; and whether a proceeding of that description did not abate or expire with the parliament which gave it birth. The new parliament assembled on the 25th of November, 1790;

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and on the 30th, the subject was started by Mr. Burke, who exhibited reasons for proceeding with the trial, but intimated his suspicion that a design was entertained in the House of Lords to make the incident of a new parliament a pretext for abating the impeachment. On the 9th of December, a motion was brought forward, that on that day se'nnight the House should resolve itself into a Committee to take into consideration the state in which the impeachment of Warren Hastings, Esq., was left at the dissolution of the last parliament. In opposition to this motion, it was proposed, that the House should determine a more limited question, whether or not it would go on with the impeachment. Mr. Pitt was of opinion, that it was not fit to wave a question respecting an important privilege of the House, when that privilege was called in question. The original motion was therefore carried. On the day appointed for the Committee, the motion that the Speaker do leave the chair was opposed by allegations of the excellence of the conduct of Mr. Hastings, and the hardships to which he had been exposed, by the length of the trial, and the asperity of the managers. Mr. Pitt said, the question to which these arguments applied was the question whether it was proper in the House to go on with the impeachment. He wished another question to be previously, and solemnly decided, whether it had a *right* to go on with it. Mr. Burke said, that gentlemen seemed afraid of a difference with the House of Lords. For his part, "he did not court—fools only would court, such a contest. But they who feared to assert their rights, would lose their rights. They who gave up their right for fear of having it resisted, would by and by have no right left." The motion was carried after a long debate. On the 22nd, the business was resumed, on the question, whether the trial of Warren Hastings was pending or not. The debate lasted for two days. The minister, and by his side Mr. Dundas, joined with the managers in maintaining the uninterrupted existence of the trial. Almost all the lawyers in the House, Mr. Erskine among them, contended vehemently, that the dissolution of parliament abated the impeachment. This brought forth some strictures upon the profession, which formed the most remarkable feature of the debate. Mr. Burke said, that "he had attentively

listened to everything that had been advanced for and against the question; and he owned he was astonished to find, that the lawyers had not brought a single particle of instruction with them for the use of those that were laymen. One learned gentleman had given the solution, by confessing that he was not at *home* in that House. The same might be said of most of his brethren. They were birds of a different class, and only perched on that House, in their flight towards another. Here they rested their tender pinions, still fluttering to be gone, with coronets before their eyes. They were like the Irishman, who, because he was only a passenger in the ship, cared not how soon she foundered." Mr. Grant said, the great zeal for *Parliamentary Law*, and *Constitutional Law*, always forced into his mind the adage, *latet anguis in herba.* They were wide grasping phrases, admirably calculated to promote, without confessing, a design of acting agreeably to arbitrary will. Mr. Fox was very pointed in his strictures on the professors of the law. "If to their knowledge of the law," he said, "the lawyers were to add some regard to the constitution, it would be no great harm. He saw the high necessity of impeachments, not so much to check ministers, as to check the courts of justice. Suppose our judges were like some of those in the reign of Charles the Second. Where was our remedy, if not in impeachment? If that great instrument of safety was made inefficient, we should have no law, no justice, not even a *scintilla* of liberty. He reprobated the gentlemen of the long robe for having, as it were, conspired to oppose the motion. When he saw a corps of professional people, a knot of lawyers, a band of men, all animated with *l'esprit du corps*, setting themselves against the liberty of the subject, and the best means of supporting the constitution, he should say, it was worse than the Popish plot in Charles the Second's time, if any Popish plot did then exist." Mr. Burke said, "he wished the country to be governed by law, but not by lawyers." The motion was finally carried by a great majority.

The business was not resumed till the 14th of February, 1791, when it was moved by Mr. Burke, that the House should proceed with the impeachment. In a long speech he endeavoured to obviate the prejudices which were now

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generally disseminated, as if the measure was operating upon the defendant with cruelty and oppression. "It had been argued," he said, "that the trial had lasted a long time, and that the very length of it was a sufficient reason why it should cease; but if protraction was admitted as a substantial reason for putting an end to a penal investigation, he who committed the greatest crimes would be surest of an acquittal; and mankind would be delivered over to the oppression of their governors; provinces to their plunder, and treasuries to their disposal."—"False compassion aimed a stroke at every moral virtue." He affirmed that the managers were chargeable with none of the delay. Though the quantity of the matter was unexampled, a small number of days had been employed in hearing the speeches they made, or the evidence which they tendered. For all the rest any body in the world was responsible rather than they. He then displayed the great and numerous difficulties which had been thrown in the way of the prosecution: and asked if the House "had forgotten, there was such a thing as the *Indian interest;* which had penetrated into every department of the constitution, and was felt from the Needles, at the Isle of Wight, to John o'Grot's House!" He then complained of the extraordinary obstructions raised "by certain professors of the law, whose confined and narrow mode of thinking, added to their prejudices, made them enemies to all impeachments, as an encroachment on the regular line of practice in the courts below." Yet, notwithstanding the importance of these considerations, that he might comply with the spirit of the times, he should propose, that the managers proceed no further than to one other article; that on contracts, pensions, and allowances; which, as Mr. Hastings had defended the acceptance of presents, by alleging the pecuniary wants of the Company, and as the proof of this article would show that where poverty was pretended, profusion had prevailed, was an article, necessary to complete the proof of the offences, which were charged under the previous head of accusation. After a long debate, in which nothing of particular moment occured, the several motions for proceeding in the impeachment, so limited and reduced, were put and carried.

When the intention of the Commons to proceed with the impeachment was announced to the Lords, a committee was formed to search the journals for precedents. The question was at last debated on the 20th of May. The only circumstance of much importance in the debate was one of the arguments employed by the Lord Chancellor to prove that impeachments abated by the dissolution of parliament. They abated, he said, because one of the parties to the prosecution, namely, the House of Commons, became extinct. If it were alleged that the whole people of England were the real prosecutors, as the acts of the Lower House of Parliament were the acts of the people, he had two things to reply. The first was, that the acts of the House of Commons could not be regarded as the acts of the people of England; because the House of Commons did not *actually* represent the people of England; it represented them no more than virtually. The next thing was, that their Lordships' House of Parliament knew nothing about the people, as an acting body in the state; they knew only the House of Commons, the acts of which, he had shown, were not the acts of the people. The people, therefore, were not parties to an impeachment. Lord Loughborough attempted to answer this argument; but, as he produced nothing which refuted the assertion, that the House of Commons did not represent the people of England, did not, in any such sense represent them, as could allow it with truth to be said that the acts of that House were the acts of the people; so he said nothing which bore with any force upon the point, till he came to allege that the people had the power of insurrection. "Let not their Lordships," he said, "act incautiously with regard to the popular part of the constitution! Let them look about them, and be warned! Let them not deny that the people were *any thing*, lest they should compel them to think that they were *every thing*.

1791.

On the unfitness of the constitution to produce good government, unless impeachment existed in a state of real efficiency, Lord Loughborough followed Mr. Fox and Mr. Burke. Without this, "it would be impossible to get at a bad minister, let his misdemeanours and crimes be ever so enormous; our much-boasted constitution would

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lose one of its best securities; and ministerial *responsibility* would become merely nominal." In other words, it would have no existence; we should have, instead of it, an impostrous pretence. Mr. Burke, however, and Mr. Fox asserted, and no one who understands the facts can honestly dispute, that the mischievous rules of evidence and procedure set up by the lawyers, and sanctioned by the Lords, make impeachment effectual, not for the punishment of the guilty, but their escape. That the constitution of England is inadequate to the purposes of good government, as no improvement in that respect has since taken place, is, therefore, the recorded opinion of three at least of the most eminent men of the last generation. After a long debate, it was finally agreed, that the impeachment was depending; and that on the 23rd the House would resume proceedings in Westminster Hall.

The Lords having taken their places, and the usual preliminaries performed, Mr. St. John was heard to open the fourth article of the impeachment; that in which was charged the crime of creating influence, or of forming dependants, by the corrupt use of public money.

Under this head of the trial, the material incidents are few.

The topic of influence was of a more extensive application, than the question relating to Mr. Hastings, or than all the questions relating to India taken together. On this subject, to which the most important question respecting the actual state of the British constitution immediately belongs, Mr. St. John laid down the following doctrines: "That all the checks of the constitution against the abuse of power, would be weak and inefficient, if rulers might erect prodigality and corruption into a system for the sake of *influence:* That public security was founded on public virtue, on morals, and on the love of liberty: That a system which tended to set public virtue to sale, to pluck up morals by the roots, and to extinguish the flame of liberty in the bosoms of men, could not be suffered to escape punishment, without imminent peril to the public weal." Whether Mr. Hastings was guilty or not guilty of creating that influence, remained to be proved: That it tends more than almost any other crime

to deprive the people of England of the benefits of good government, it is impossible not to perceive.

As soon as the opening speech was concluded, Mr. Hastings rose. As the length of his address is moderate, and as it affords a specimen of the manner in which Mr. Hastings demeaned himself to the Lords, its insertion will be repaid by the instruction which it yields.

"My Lords,

"I shall take up but a very few minutes of your time; but what I have to say, I hope, will be deemed of sufficient importance to justify me in requesting that you will give me so much attention. A charge of having wasted 584,000*l.* is easily made, where no means are allowed for answering it. It is not pleasant for me, from week to week, from month to month, from year to year, to hear myself accused of crimes, many of them of the most atrocious dye, and all represented in the most shocking colours, and to feel that I never shall be allowed to answer them. In my time of life—in the life of a man already approaching very near to its close, four years of which his reputation is to be traduced and branded to the world is too much. I never expect to be allowed to come to my defence, nor to hear your Lordships' judgment on my trial. I have long been convinced of it, nor has the late resolution of the House of Commons, which I expected to have heard announced to your Lordships here, afforded me the least glimpse of hope, that the termination of my trial is at all the nearer. My Lords, it is now four years complete since I first appeared at your Lordships' bar; nor is this all; I came to your bar with a mind sore from another inquisition, in another place, which commenced, if I may be allowed to date it from the impression of my mind, on the day I arrived in this capital, on my return to England after thirteen years' service. On that day was announced the determination of the House of Commons, for arraigning me for the whole of my conduct; I have been now accused for six years; I now approach very near (I do not know whether my recollection fails me) to sixty years of age, and can I waste my life in sitting here from time to time arraigned, not only arraigned, but tortured with invectives of the most virulent kind? I appeal to every man's feelings, whether I have not borne many things, that many even

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of your Lordships could not have borne, and with a patience that nothing but my own innocence could have enabled me to show. As the House of Commons have declared their resolution, that for the sake of speedy justice (I think that was the term) they had ordered their managers to close their proceedings on the article which has now been opened to your Lordships, and to abandon the rest, I now see a prospect which I never saw before, but which it is in your Lordships' power alone to realize, of closing this disagreeable situation, in which I have been so long placed; and however I may be charged with the error of imprudence, I am sure I shall not be deemed guilty of disrespect to your Lordships in the request which I make; that request is, that your Lordships will be pleased to grant me that justice which every man, in every country in the world, free or otherwise, has a right to; that where he is accused he may defend himself, and may have the judgment of the court on the accusations that are brought against him. I therefore do pray your Lordships, notwithstanding the time of the year (I feel the weight of that reflection on my mind), but I pray your Lordships to consider not the unimportance of the object before you, but the magnitude of the precedent which every man in this country may bring home to his own feelings, of a criminal trial suspended over his head for ever; for in the history of the jurisprudence of this country, I am told (and I have taken some pains to search, and, as far as my search has gone, it has been verified) there never yet was an instance of a criminal trial that lasted four months, except mine, nor even one month, excepting one instance, an instance drawn from a time and situation of this government, which I hope will be prevented from ever happening again. My Lords, the request I have to make to your Lordships is, that you will be pleased to continue the session of this court till the proceedings shall be closed, I shall be heard in my defence, and your Lordships shall have proceeded to judgment. My Lords, it is not an acquittal that I desire; that will rest with your Lordships, and with your own internal conviction, I desire a defence, and I desire a judgment, be that judgment what it will. My Lords, I have bowed, I have humbled myself before this court, and I have been

reproached for it. I am not ashamed to bow before an authority to which I owe submission, and for which I feel respect that excites it as a willing oblation from me. I now again, with all humility, present myself a subject of your justice and humanity. I am not a man of apathy, nor are my powers of endurance equal to the tardy and indefinite operation of parliamentary justice. I feel it as a very cruel lot imposed on me, to be tried by one generation, and, if I live so long, to expect judgment from another; for, my Lords, are all the Lords present before whom I was originally tried? Are not many gone to that place to which we must all go? I am told that there is a difference of more than sixty in the identity of the judges before whom I now stand. My Lords, I pray you to free me from this prosecution, by continuing this trial till its close, and pronouncing a judgment during this session; if your Lordships can do it, I have a petition to that effect in my hand, which, if it is not irregular, I now wish to deliver to your Lordships."

There was exquisite adaptation, either with or without design, in the conduct of Mr. Hastings, to the circumstances in which he was placed. The tone of submission, not to say prostration, which he adopted towards the Court, was admirably suited to the feelings of those of whom it was composed. The pathetic complaints of hardship, of oppression, of delay, of obloquy, began when the tide of popular favour began to be turned successfully against the agents of the prosecution; and they increased in energy and frequency, in proportion as odium towards the managers, and favour towards himself, became the predominant feeling in the upper ranks of the community.

This odium, and this favour, are not the least remarkable among the circumstances which this impeachment holds up to our view. During the trial, what had the managers done to merit the one; what had Mr. Hastings done, to merit the other?[1] Convinced, for it would be

[1] There were abundant reasons why the sentiments of the people should have undergone a change. The managers, after long declamatory harangues, which had "harrowed up the souls" of a tender-hearted public, had proved—nothing. It was impossible that the people should not feel some resentment at the fraud thus practised upon their sympathies. Then so many instances of undignified violence had been exhibited by Burke in particular, the prime mover of the whole—both in Parliament and in Westminster Hall, that it was generally felt there was more of personal vindictiveness in his proceedings

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absurd to suppose they were not convinced, that they had brought a great criminal to the judgment-seat, they had persevered with great labour to establish the proof of his guilt. Mr. Hastings had suffered a great expense; and at that time, it could not be known that he had suffered any thing more than expense. The necessity of labour and attendance was common to him with his accusers. As for suspense, where a man is guilty, the feeling connected with it may be a feeling not of pain but of pleasure; a feeling of hope that he may escape. To a man who is sure to be condemned, delay may be a benefit. The innocent man alone is he to whom it is necessarily injurious: and the innocence of Mr. Hastings was not yet decreed.

Of the causes of the odium incurred by the managers, and the favour acquired by the defendant, I am unable to render a perfect account. There is much of secret history connected with it, which it is not possible to establish, on evidence which history can trust. This much may be said, for it rests on public grounds. The managers brought a great deal of rhetoric, with papers and witnesses, to the trial; and seemed unhappily to think, that rhetoric, papers, and witnesses, were enough: they brought not much knowledge of those grand pervading principles which constitute the moral and rational standard of all that ought to be law, and on which they might have grounded themselves steadfastly and immoveably in defiance of the lawyers: and they brought little dexterity; so that the lawyers were able to baffle, and insult, and

against Hastings, than a patriotic or philosophical vindication of the principles of good government. The undeniable hardship, inflicted upon Hastings by the state of anxiety in which he was so long kept, and the expense he was compelled to incur, were other claims upon the indulgence of the nation. It is argued in the text, that of these two the expense alone was certain; as if equal certainty does not attach to the anxiety. It was not a question of mere labour and attendance; guilty or innocent, anxiety is the necessary condition of every person accused of crime: the guilty man has much more cause to fear conviction than to hope for escape, and the innocent man has cause to apprehend that in the passions of his adversaries, the misconceptions of interested persons, and the fallibility of human judgment, his innocence may not be his safety. From anxiety, the prosecutors of Hastings were comparatively free — it mattered little to them what might be the result. Their expenses were paid by the nation. The contrast of their position with that of Hastings, could not fail to strike the most unobservant, especially when it had been continued for a protracted period — and naturally awoke sentiments of compassion for one exposed to so unequal a contest. Sympathy with him, necessarily begot disfavour for his opponents, and time has justified popular feeling.—W.

triumph over them, at almost every turn. After the prosecution was rendered unpopular, the intemperance of the tone and language of Mr. Burke operated strongly as a cause of odium; yet it is remarkable, that when that same intemperance was speedily after carried to greater excess, and exerted in a favourite direction, that is, against the reformers in France, it became, with the very same class of persons, an object of the highest admiration and love.[1] The favour with which the cause of Mr. Hastings was known to be viewed in the highest family in the kingdom, could not be without a powerful effect on a powerful class. The frequency with which decisions and speeches, favourable to him, were made in the House of Lords; the defence which he received from the great body of the lawyers; the conversation of a multitude of gentlemen from India, who mixed with every part of society;[2] the uncommon industry and skill with which a great number of persons, who openly professed themselves the agents or friends of Mr. Hastings, worked, through the press and other channels, upon the public mind; and, not least, the disfavour which is borne to the exposure of the offences of men in high situations, in the bosom of that powerful class of society which furnishes the men by whom these situations are commonly filled; all these circumstances, united to others which are less known, succeeded, at last, in making it a kind of fashion to take part with Mr. Hastings, and to rail against the accusers.

In the present speech of Mr. Hastings, and the petition which it echoed, it surely was, on his part, an extraordinary subject of complaint, that, between the delivery of the accusations, and the delivery of his defence, a long period had intervened: when the managers had from the beginning most earnestly contended that, immediately after

[1] The intemperate vehemence of Burke does not constitute his claim in this instance to love or admiration; but his intemperance when he thought the whole frame of society in danger, was much more venial than when it aimed to crush an individual. Had, however, Burke's views of the French revolution been characterized by no prudent patriotism, no prophetic foresight, they would not have been entitled to admiration, merely as specimens of impetuous eloquence.—W.

[2] This is one of the strongest proofs that could have been adduced of Hastings's merits. Had he been the corrupt, base, cruel, tyrannical monster that Burke depictured him, "the conversation of a multitude of gentlemen from India," would have been of all things least likely to clear his reputation.—W.

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each of the accusations, he should make his defence upon each; and he himself had insisted, and victoriously insisted, that he should not.

Of the delay, one part was owing to the nature of the charges and the nature of the evidence; the one comprehensive, the other voluminous. This was inseparable from the nature of the cause. The rest, a most disgraceful portion, was owing to the bad constitution of the tribunal, and its bad rules of procedure—causes of which Mr. Hastings was very careful not to insinuate a complaint. The whole odium of the accusation fell, as it was intended to fall, upon the managers, to whom, unless guilty of delay, which was never alleged, in bringing forward the evidence, not a particle of blame under this head belonged.

When Mr. Hastings desired to represent the hardship as unparalleled in his native country, of remaining under trial during four years, he was very little informed of the dreadful imperfections of the law of that country, and of the time which any poor man, that is, the far greater number of men, is liable to remain, not in the enjoyment of freedom and every comfort which wealth can bestow; but in the most loathsome dungeons, without bread sufficient to eat, or raiment to put on, before trial begins, and after acquittal is pronounced. In that last and most cruel state of human suffering, there was at that time no limit to the number of years, during which, without guilt, or imputation of guilt, a man (as a debtor) might remain.[1]

To prove that Mr. Hastings had created *influence*, to ensure to himself by the misapplication of the public money a corrupt support, five instances were adduced: a contract of opium, granted to Mr. Sulivan; an illegal traffic in opium, for the alleged purpose of remitting money of creatures and dependents; undue allowances granted to Sir Eyre Coote; a contract for bullocks; and two contracts for grain. The two cases to which the greatest suspicion attaches, are the opium contract, and the money given to Sir Eyre Coote.

With regard to the contract, the facts are shortly these:

[1] The defective condition of the law in regard to others, was no alleviation of the hardship which Hastings himself suffered.—W.

Mr. Sulivan was the son of the Chairman of the Court of Directors: he was a very young man, with little experience in any of the affairs of India, and no experience in the business of opium at all: the Court of Directors ordained, that all contracts should be for one year only, and open to competition: the opium contract was given to Mr. Sulivan without competition, by private bargain, and not for one year only, but four: Mr. Sulivan possessed the office of Judge Advocate; he was further appointed Secretary to Mr. Hastings, and attended him on his journey to the Upper Provinces: he could not, therefore attend to the business of the contract, and he sold it: he sold it to Mr. Benn, for a sum of about 40,000*l.*: Mr. Benn sold it to Mr. Young for 60,000*l.*: and Mr. Young confessed that he made from it an ample profit. From these facts the managers inferred, that the contract was given at an unfair price to Mr. Sulivan, for enabling the son of the Chairman to make a fortune, and Mr. Hastings to ensure the father's support. "It was melancholy," they said, "to see the first Officer of the Company at home, and their first Officer abroad, thus combining in a system of corruption; and sharing the plunder between them."

The facts adduced on the other side were: that the rule of forming the opium contract for one year, and openly, had long been dispensed with, and for good reasons, with the consent of Mr. Francis himself; that a more favourable bargain was not granted to Mr. Sulivan than to his predecessor; and that Mr. Benn and Mr. Young owed their profits to their own peculiar knowledge of the business.

The question, however, is not yet answered, why it was given to a man, who it was known could not keep it; and who could desire it only for the purpose of selling it again with a profit; when it might have been sold to the best purchaser at once.

In the case of Sir Eyre Coote, the following were the facts: "That 16,000*l.* per annum was the pay allowed him by the Company, and ordered to stand in lieu of all other emoluments: that it was of great importance to the Governor-General to obtain his support in the Council, of the votes of which he would then possess a majority:

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that shortly after his arrival, a proposition, introduced by himself, and supported by the Governor-General, was voted in the Council, for granting to him, over and above the pay to which he was restricted by the Court of Directors, a sum exceeding 18,000*l.* per annum, under the name of expenses in the field: that the General began immediately to draw this allowance, though in a time of peace, under the pretence of visiting the stations of the army: that the burden was speedily shifted from the shoulders of the Company, to those of the Nabob Vizir, by the General's arrival to visit the stations of the army in Oude: that the face put upon the matter was, to charge the payment of the allowances upon the Vizir, only while the General was in the territory; but that in fact they never were taken off so long as the General lived: that the Court of Directors condemned these allowances; but this condemnation was disregarded, and the allowances paid as before.

The facts operating in favour of Mr. Hastings were: that General Stibbert, when acting as Commander-in-chief only for a time, had, partly by the orders of the Court of Directors, partly by the liberality of the Governor-General in Council, received an allowance of about 12,000*l.* for his expenses in the field: that Sir Eyre Coote represented an allowance equal to that received by General Stibbert, as absolutely necessary to save him from loss, when subject to the expenses of the field: that, notwithstanding the treaty, expressly confining the demands of the English government upon the Vizir to the expense of one battalion of troops, he did in fact pay for more, because more were by his consent employed in his country, the whole expense of which (and the field allowance to the General when at those stations of the troops were stated as part of that expense) he was called upon to defray.

Mr. Hastings further alleged, that this sum was paid with great cheerfulness by the Vizir, even after the General left the territory of Oude; that the General was soon after called to Madras to oppose Hyder Ali; that his death was evidently approaching; and that it would have been imprudent to make him throw up the service in disgust, by telling him that the Court of Directors condemned the allowance, when he alone could save the British inter-

ests in India from that destruction with which they were threatened by Hyder.

Upon the comparison of these facts, the following questions remain unanswered: Why not postpone the allowance till the Directors were consulted? Why give the General 6,000*l.* per annum more than he asked? Why make the allowance to General Stibbert, whose pay was only 7,500*l.* per annum, a rule for a man whose pay was 16,000*l.*, and who was expressly declared to have received that large amount in lieu of all other emoluments? It is further, in plain language to be declared (for this practice of governments cannot be too deeply stamped with infamy,) that it was hypocrisy, and hypocrisy in its most impudent garb, to hold up the consent of the Nabob as a screen against condemnation and punishment: when it is amply proved that the Nabob had not a will of his own: but waited for the commands of the Governor-General, to know what, on any occasion that interested the Governor-General, he should *say* that he wished. When the Governor-General wished to lay upon the Vizir the expense of a greater portion of the Company's army, than was contracted for by treaty, what could he do? He knew it was better for him to submit than to contest; and if so, it was evidently his interest to afford to the transaction any colour which the Governor-General might suggest, or which it was easy to see would best answer his purposes. Cheerfully paid by the Nabob! No doubt. We have seen the Nabob eager to make presents; presents of one sum after another, of a hundred thousand pounds, to the great man on whom depended the favour he hoped, or the disfavour he dreaded; at the time when he was complaining that his family were unprovided with bread. At the very time when he is said to have cheerfully paid nearly two lacs of rupees per annum to Sir Eyre, he was writing to the Governor-General the most pathetic descriptions of the misery to which he was reduced by the exactions of the English government; and declaring that "the knife had now penetrated to the bone." But by what power was this eagerness to bribe the powerful servants of the Company produced? Could it be regarded, in any sense, as a voluntary act, the fruit of benevolence and friendship? Was it not extorted by what may truly be denominated

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the torture of his dependence; the terror of those evils which he contemplated in the displeasure of his masters? It is infamous to speak of presents from a man, in such a situation, as *free* gifts. No robbery is more truly coercion.

Again: the allegation that Sir Eyre Coote would have deserted his post as a soldier, and abandoned his country in a moment of extreme exigency, upon a question of 18,000*l.* per annum; stamps with infamy, either the character of that General, if it was true, and it is not without appearances to support it; or that of Mr. Hastings, if it was false.

On the rest of the transactions, charged in this article as acts of delinquency, the explanations of Mr. Hastings left so few points for suspicion remaining, that, as the facts in themselves are not material to the history, the description of them would be of little advantage.

On the 30th of May, 1791, and the seventy-third day of the trial, Sir James St. Clair Erskine was heard to sum up the evidence upon the fourth article of impeachment. "Then the managers for the Commons informed the House, that, saving to themselves all their undoubted rights and privileges, the Commons were content to rest their charge here." Mr. Hastings made an humble address to the court, and alluding to his last petition which yet lay upon the table unconsidered, he implored that, if the prayer of that petition was not complied with, he might be allowed to appear, at least, one day at their Lordships' bar, before the end of the present session. The Lords adjourned, and sent a message to the Commons, from their own house, that they would sit again on the 2nd of June. The next day, in the House of Lords, a motion, grounded upon a letter of Mr. Hastings, requiring only fourteen days for the time of his defence, was made by one of the peers, for an address to the King that he would not prorogue the parliament, till the conclusion of the trial. The proposition of Mr. Hastings to confine his defence to any number of days, was treated by Lord Grenville as absurd. How could Mr. Hastings know what questions would arise upon evidence, and how much time their Lordships might require to resolve them; business which had occupied the principal part of the time that had already been spent? How could he know what time

the Commons might require for their evidence and speeches in reply? How could he know what time their Lordships the Judges would require for deliberation on the evidence which they had heard? The motion was rejected.[1]

On the 2nd of June, the seventy-fourth day of the trial Mr. Hastings read a written paper, containing his defence. As far as the matter of it was anything in answer to the facts which have been charged as criminal, or tends to the demonstration of innocence, it has either been already adduced, when the fact or the charge was exhibited; or will hereafter be stated, when the evidence is brought forward on which the allegation was grounded. One or two incidents it is instructive to mention.

Mr. Hastings declared, in the beginning of his paper, that if his judges would only then come to a decision, he would wave all defence. He risked nothing by this proposition; to which he well knew that the Lords would not consent. But he gained a great deal by the skill with which his declaration insinuated the hardship of delay.

It is observable that most of the ill-favoured acts of Mr. Hastings's administration, the extermination of the Rohillas, the expulsion of Cheyte Sing, the seizure of the lands and treasures of the Begums, and the acceptance of presents, were all for the acquisition of money. Though Mr. Hastings insisted, that all these acts were severally justifiable in themselves, without the plea of state necessity; yet state necessity, the urgent wants of the Company, are given, as the grand impelling motive which led to the adoption of every one of them. They are exhibited by Mr. Hastings, as acts which saved the Company; acts, without which, according to him, the Company must have perished.[2]

Towards the end of his defence, he rises to a most exulting strain:

"To the Commons of England, in whose name I am

[1] On this article of charge, see printed Minutes of Evidence, ut supra, p. 1303—1458; History of Trial, ut supra, part iv. p. 64—80.

[2] He asserted, "The resources of India cannot, in the time of war, meet the expenses of India." He denied that loans could be obtained: "I could not borrow to the utmost extent of my wants, during the late war, and tax posterity to pay the interest of my loans. The resources to be obtained by loans (those excepted for which bills upon the Company were granted,) failed early in my administration, and will fail much earlier in Lord Cornwallis's."

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arraigned for *desolating the provinces of their dominion in India*, I dare to reply, that they are, and their representatives annually persist in telling them so, the most flourishing of all the States in India—It was I who made them so.

"The valour of others acquired, I enlarged, and gave shape and consistency to the dominion which you hold there: I preserved it; I sent forth its armies with an effectual, but economical hand through unknown and hostile regions, to the support of your other possessions; to the retrieval of one from degradation and dishonour, and of the other from utter loss and subjection. I maintained the wars which were of your formation, or of that of others, *not of mine*. I won one member[1] of the great Indian Confederacy from it by an act of seasonable restitution; with another[2] I maintained a secret intercourse, and converted him into a friend: a third[3] I drew off by diversion and negotiation, and employed him as the instrument of peace. When you cried out for peace, and your cries were heard by those who were the object of it, I resisted this, and every other species of counteraction, by rising in my demands; and accomplished a peace, and I *hope everlasting* one, with one great state;[4] and I at least afforded the efficient means by which a peace, if not so durable, more seasonable at least, was accomplished with another.[5]

"I gave *you all*, and you have rewarded me with *confiscation, disgrace, and a life of impeachment*."

The House having heard his address, adjourned to the chamber of parliament, where it was determined they should proceed with the impeachment on the first Tuesday in the next session of parliament.

On the 14th day of February, 1792, and the seventy-fifth day of the trial, the court was next assembled. Mr. Law, the leading counsel for Mr. Hastings, began to open the defence. The length of the trial, the toils of the Lords in sustaining the burden of judges, the sufferings of the prisoner under the evils of delay, of misrepresentation, of calumny, and insult, were now become favourite and successful topics, well remembered both by Mr. Hastings and his counsel. A mischievous prejudice was

[1] The Nizam. [2] Moodajee Bonsla. [3] Madajee Sindia.
[4] The Mahrattas. [5] Tippoo Sultan.

hatched; that of all these evils, the prosecution itself was the cause; as if crimes of the nature of those imputed to Mr. Hastings, were crimes of which it is easy to establish the proof; as if the prosecution of such crimes, apt to be the most hurtful of all crimes, were an evil, not a good; as if those by whom that service is powerfully and faithfully rendered were among the enemies, not the greatest benefactors of mankind! Mr. Hastings, it may be said, committed no crimes. Be it so. Yet it will not be disputed that he committed acts which looked so much like crimes, that it was fit in the House of Commons to send them, as it did, to their trial; it was fit in the managers to adduce such evidence as they believed would make known the fact; to accompany that evidence with such observations as they thought best adapted to discover its application and force; and to resist such attempts as they conceived were made to prevent the exhibition and accurate appreciation of evidence, and hence the disclosure and conviction of guilt. Whatever time was necessary for this, was legitimately and meritoriously bestowed. It has not been attempted to be proved, that the managers consumed one instant of time that was not employed in these necessary functions. The number of hours so consumed was not great. Of all the rest, the court and the defendant were the cause; and upon the delay, which they themselves produced, they laboured to defame, or acted in such a manner as had the effect of defaming, the prosecution of all complicated offences; in other words, of creating impunity for the whole class of great and powerful offenders.

Though blame, and even ridicule, and insult, had been bestowed upon the managers, for the length of their speeches, Mr. Law consumed three whole days with the speech in which he made the general opening of the defence. After he had finished, Mr. Plomer commenced on the first article of impeachment, the charge relating to Benares; and with his speech he occupied five days. It was not till the 1st of May, and the eighty-third day of the trial, that the defensive evidence began to be adduced. The mass of evidence given in defence was still greater than that presented by the managers. Appendix included, it occupies nearly twice as many pages as the printed

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minutes. Of this mass very little was new, excepting some parole evidence, chiefly intended to prove that there was disaffection, and preparations for rebellion, on the part of Cheyte Sing, before the arrival of Mr. Hastings at Benares. That evidence completely fails. That Mr. Hastings believed in nothing like rebellion, is evident from his conduct. Besides, would the proper punishment for rebellion have been a fine of fifty lacs?[1]

In making objections to evidence, the managers were only less active than Mr. Law. One thing may be said against them; and one thing for them. It was inconsistent in them to follow a course, which they had made a ground of complaint against their opponents. But as their opponents had seized the benefit of a particular instrument, it would have been to place themselves, by their own act, in a state of inequality and disadvantage, had they refused to defend themselves by the same weapons with which they were assailed. There was no instance of exclusion which falls not under some of the heads, on which reflections have already been adduced.

Mr. Dallas, of counsel for the defendant, was then heard to sum up the evidence on this head of the defence; and occupied the greatest part of three days with his speech. As soon as he had finished, the House adjourned to the chamber of parliament; and agreed to proceed in the trial on the first Tuesday in the next session of parliament.[2]

Though parliament re-assembled on the 13th of December, 1792, the House of Lords did not resume proceedings in trial till the 15th day of February, 1793. This was the ninety-sixth day of the trial. Mr. Law opened the defence, on the charge relative to the Begums of Oude, in a speech two days long. He began "with," says the historian of the trial, "a very affecting introduction; in which he stated that the situation of his oppressed client was

[1] This is unfairly put, Hastings only talked of levying this fine, if not imposed. No overt act of rebellion had been committed, although disaffection was known to exist; and certainly there was no more effectual mode of preventing it from becoming dangerous, from being manifested at all, than a fine which should cripple the resources of the disaffected party. The fine was proposed as the punishment of disaffection, not of rebellion as a preventive of rebellion, and after all it was only proposed, not levied.—W.

[2] See, for this head of the trial, Minutes of Evidence, ut supra, p. 1465—1822; History of the Trial, part v.

such as, he believed, no human being, in a civilized nation, had ever before experienced; and which, he hoped, for the honour of human nature, no person would ever again experience. The moral was, that the prosecution which produced so much oppression was a wicked thing; that the managers, who were the authors of it, were the oppressors; and that the defendant, who bore the oppression, no matter for the allegations of his oppressors, deserved benevolence and support, not condemnation and punishment. In this lamentation, therefore, of the lawyer, the force of a multitude of fallacies, which his auditors, he knew, were well prepared to imbibe, was involved; and a variety of unjust and mischievous ideas, though not expressed, were effectually conveyed.

Of the evidence tendered, on the part of the defence, the result has already been fully adduced. During the delivery of it only one incident occurred, of which the importance would compensate description. On the third of the days allotted to the delivery and receipt of the evidence, on which day the managers had been minute and tedious in their cross-examination, Mr. Hastings made another address to the Court. The benefit derived from his former attempts, and from the pathetic exordiums of the Counsel, encouraged repetition. "He said it was with pain, with anxiety, but with the utmost deference, that he claimed to be indulged in a most humble request that he had to make; which request was, that their Lordships would, in their great wisdom, put as speedy a termination to this severe and tedious trial, as the nature of the case would admit." His expense, and the loss of witnesses by delay, were the hardships of which, on this occasion, he principally complained. He took special care, however, to inform the Court, that though "it was known there had been great and notorious delays; in no moment of vexation or impatience, had he imputed those delays to their Lordships."[1] True, indeed! That would have been a course, most inconsistent with his kind of wisdom. On the 25th of April, the evidence was closed; Mr. Plomer began to sum it up; and continued his speech on the 30th of April, and the 2nd and 6th of May, the next three days of the trial.[2]

[1] History of the Trial, ut supra, part vi. p. 42.
[2] Minutes, ut supra, p. 1823—2090; History, ut supra, part vi. p. 38—55.

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On the 9th of May, which was the 111th day of the trial, Mr. Dallas began to open the defence on as much as had been insisted upon by the managers, of the sixth, seventh, and fourteenth articles of impeachment. His speech continued four days. On the second day of the speech, when the Lords returned to the chamber of parliament, another petition was presented to them from Mr. Hastings, urging again the hardship of his case, and presenting a most humble prayer for the termination of his trial during the present session of parliament. Not satisfied with this; as soon as Mr. Dallas had brought his opening speech to a close, Mr. Hastings made a short address to the Court, which he read from a paper. Describing his state of suspense as "become almost insupportable," he stated his resolution to abridge the matter of his defence, both on the above articles, and also the fourth, relating to influence, in such a manner, as to be able to deliver it in three days, that the managers for the Commons might have time to conclude their reply during the present session. With respect to a declaration, in this address, that, for eminent services to his country, he had been rewarded with injustice and ingratitude, Mr. Burke said, it was for the Lords to consider the propriety of such a speech, as applied by a culprit at their bar to the Commons of Great Britain; and he entered a caveat against the proposal of the defendant to deprive himself of any thing due to his defence; since he might thus be cunningly providing for himself a plea, that, had he not omitted his evidence, the proof of his innocence would have been rendered complete.

Of the evidence brought forward under those several heads, the only material point, which has not been already presented to view, is that relating to the remittances of defendant. It appeared that 238,757*l*, had been remitted through the Company in the name of Mr. Hastings. Mr. Woodman, his attorney, swore, that the greater part of this was remitted for other persons; and that the sum remaining in his hands, as the property of Mr. Hastings, at the time of his return, was 72,463*l*.

A large mass of attestations of good behaviour, and of plauditory addresses from India, were presented. But these proved only one of two things; either that the pri-

soner deserved them; or that the authors of them were under an influence sufficient to produce them without his deservings. That the latter was the case, there can be no doubt; whatever the fact in regard to the former. Sir Elijah Impey said, in a letter from India produced to the House of Commons, "that addresses are procured in England through influence, in India through force. Viewing the matter more correctly, we may decide that there is a mixture of the force and the influence in both places. And Mr. Burke justly described the people of India, when he said; "The people themselves, on whose behalf the Commons of Great Britain take up this remedial and protecting prosecution, are naturally timid. Their spirits are broken by the arbitrary power usurped over them; and claimed by the delinquent, as his law. They are ready to flatter the power which they dread. They are apt to look for favour, by covering those vices in the predecessor, which they fear the successor may be disposed to imitate. They have reason to consider complaints, as means, not of redress, but of aggravation to their sufferings. And when they shall ultimately hear, that the nature of the British laws and the rules of its tribunals are such, as by no care or study, either they or even the Commons of Great Britain, who take up their cause, can comprehend, but which, in effect and operation, leave them unprotected, and render those who oppress them secure in their spoils, they must think still worse of British justice, than of the arbitrary power of the Company's servants. They will be for ever, what for the greater part they have hitherto been, inclined to compromise with the corruption of the magistrates, as a screen against that violence from which the laws afford them no redress."[1]

When the evidence was closed, instead of summing it up by means of his Counsel, Mr. Hastings himself ad-

[1] Report of the Committee, of the House of Commons (which Committee were the managers) appointed 5th March, 1794, to report on certain matters in the impeachment of Mr. Hastings.—M.

There can be no doubt that Hastings was the most popular of all the Governors of Bengal with the natives of the country; his name is still held in fresher recollection and in higher esteem than that of any other. The addresses, although they might have been suggested by influential persons, expressed the honest sentiments of the people. The mention of force is absurd, and the influence, whatever it may have been, was strictly private. Lord Cornwallis was not a governor likely to exercise or permit any interference with native feeling or principle by authority.—W.

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dressed the Court. The object was fourfold; First, to make, under an appeal to Heaven, a solemn asseveration, of having in no instance intentionally sacrificed his public trust to his private interest; Secondly, a similar asseveration, that Mr. Woodman received all the remittances which during the period of his administration he had made to Europe, and that at no time had his whole property ever amounted to more than 100,000*l.*; Thirdly, to make a strong representation of the great necessities of the state, for the relief of which he had availed himself of the irregular supplies for which he was accused; Fourthly, to charge the managers with a design to retard the decision on the trial till another year, and to entreat the Lords to resist them.

Mr. Burke and Mr. Fox thought it necessary to take notice of the great freedom with which the defendant was at last emboldened to speak of the managers for the Commons; to repel the charge of procrastination so confidently thrown upon them; and to challenge the proof that one single moment of unnecessary delay had been created by them.

The defence was finished on Tuesday the 28th of May 1793. On the return of the Lords to the chamber of parliament, they agreed, after a long discussion, to adjourn further proceedings on the trial till Wednesday se'nnight. When this resolution was communicated to the Commons, Mr. Burke addressed himself to the House. He first contended, that, considering the mass of evidence which it was necessary to digest, the time was not sufficient to prepare the reply. He next animadverted, in a style of severity, upon the appeals made by Mr. Hastings to the House of Lords, and calculated to bring odium upon the House of Commons. A line of conduct had been pursued, which brought affronts upon the managers, the servants of the House. He said that the managers had been calumniated.

In this, he alluded to an incident of rather an extraordinary nature. On the 25th of May, when Mr. Burke was cross-examinging Mr. Auriol, and pushing the witness with some severity, and at considerable length, the Archbishop of York, who had already signalized his impatience during the cross-examinations performed by Mr. Burke,

and whose son, Mr. Markham, had been in high employments under Mr. Hastings in India, "started up," says the historian of the trial, "with much feeling; and said, it was impossible for him silently to listen to the illiberal conduct of the manager; That he examined the witness, as if he were examining, not a gentleman, but a pick-pocket: That the illiberality and the inhumanity of managers, in the course of this long trial, could not be exceeded by Marat and Robespierre, had the conduct of the trial been committed to them." Mr. Burke, with great dignity and great presence of mind, replied, "I have not heard one word of what has been spoken, and I shall act as if I had not." Upon reading the printed minutes of the evidence with due care, I perceive that Mr. Burke treated the witness as an unwilling witness, which he evidently was; as a witness, who, though incapable of perjury, was yet desirous of keeping back whatever was unfavourable to Mr. Hastings, and from whom information unfavourable to Mr. Hastings, if he possessed it, must be extorted by that sort of coercion which it is of the nature and to the very purpose of cross-examination to apply. Of the tones employed by Mr. Burke, the mere reader of the minutes cannot judge; but of the questions there set down, there is not one which approaches to indecorum, or makes one undue insinuation.[1] It was the right reverend prelate, therefore, who betrayed an intemperance of mind, which as ill accorded with the justice of the case, as with the decencies of either his judicial or his sacerdotal character.

Alluding to that outrage, Mr. Burke said, that an investigation into the conduct of the managers was indispensable; that to render investigation answerable to its end, the utmost possible publicity should be given; and that for this purpose he should move for a committee of the whole House, before which he undertook to prove, that the managers had neither protracted the trial by unnecessary delay, nor shortened it to the frustration of justice.

[1] This may be doubted; there is one question which insinuates that Mr. Auriol had falsely sworn to ignorance of a present or peshcush paid by the Raja; he had denied having heard of it. The question was repeated more than once; and at last it is thus put. "Then do you say, upon your oath, of any such pescush privately paid from Dinagepore in 1779, 1780, or 1781, whether you have heard of any peshcush privately received by Mr. Hastings in those years?" It is easy to conceive this urged in an insulting manner.—W.

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The Chancellor of the Exchequer preferred a select committee to inquire and report; as a committee of the whole House would retard the business of the country. In this proposal all parties finally acquiesced, and the committee was formed.

A discussion then took place on a report of the words of the Archbishop, which had been published in one of the prints of the day. But, information being communicated that the prelate had just sustained a severe calamity in the loss of his daughter, the subject was dropped. Mr. Burke, with characteristic propriety, recommended to the House to overlook the offence of the dignified speaker, the real offender; but to prosecute the poor publisher for a libel. Nobody attended to his wretched suggestion.

The next day, May the 29th, when the Lords were informed by a message from the Commons, that more time was required to prepare for the reply, they agreed to proceed with the trial on Monday se'nnight.

In the House of Commons, on the 30th, the report from the Committee was brought up; and a motion was made that a further day be desired to make the reply. A debate ensued; the House divided; and the motion was carried by a majority of more than two to one.

Mr. Burke then moved, "That the managers be required to prepare and lay before the House the state of the proceedings in the trial of Warren Hastings, Esq.; to relate the circumstances attending it, and to give their opinion, and make observations on the same, in explanation of those circumstances."

This motion was opposed by the friends of Mr. Hastings. "Mr. Burke," says the historian of the impeachment, "called loudly upon the justice of the House, either to dismiss him from their service as a manager of this impeachment, or allow him to defend himself from the aspersions which had been thrown upon his character. Mr. Dundas thought it would be prudent in the Right Honourable Manager to withdraw his motion; though, if he persisted in it, he would give him his vote. He agreed perfectly with him, that the managers had great cause of complaint. But he trusted it would not be so in future. The motion might, in its consequences, lead to a misunderstanding, that would be fatal to the impeachment. Mr. Wyndham

thought the managers had been so ill-treated, that the House ought not to lose a moment in asserting its dignity and privileges. It had been said, no insults, perhaps, would be offered in future. He hoped there would not. But the managers might be treated in such a way, that they might feel themselves hurt, while yet the House could not interfere. Mr. Pitt, moved by the reasons urged by Mr. Dundas, proposed that the previous question be admitted by the Right Honourable Manager; but said, that he was, notwithstanding, so well convinced of the truth of what he asserted, that he would vote with him, if he refused to withdraw his motion." On a division of the House, the motion was lost by a majority of four.

On Wednesday, the 5th of June, in his place in the House of Commons, Mr. Grey, having affirmed the impossibility of being ready on Monday to reply to a mass of evidence which was not yet printed, and the further impossibility, at so late a period of the session, of going through with the remaining business of the trial, without compromising the claims of justice, said, "he should be ready in his place the next day, to move for a message to the Lords, to adjourn further proceedings in the trial till the next session of parliament, when the Commons would be ready to proceed day by day, till final judgment should be given, if their Lordships should think fit."

Mr. Wigley, one of the gentlemen of the long robe, who had signalized his zeal in favour of the defendant, "opposed the motion," says the historian of the trial, "as prejudicial to the justice and character of the House; and which, if passed, would carry with it such a marked wish for delay, as would render impeachments detestable.

Mr. Dundas, as he spoke with more courage, so spoke to the point more correctly than any other man who spoke upon this occasion. "If he thought the motion could operate unjustly upon the defendant, he should be as ready," he said, "as any one to give it his negative; but sending the managers unprepared to reply, would be neither more nor less than a complete loss of the time so misapplied. Much had been said of delay. But to whom was that delay imputable? Not, in any degree, to that House, or to the managers; against whom such insinuations were neither just, nor generous, from those gentle-

men who had negatived a proposition, made by the managers on a former day, for stating the whole facts on the trial, to exculpate themselves from every shadow of foundation for such a charge. He also observed, that the cry against delay had been uniformly raised at the close of a session. Why it was not made at an early period, when propositions might have been brought forward to expedite the proceeding, he left the House to form their own opinion. If, however, there was any delay in the trial, it lay, he cared not who heard him, or where his declaration might be repeated, at the door of the House of Lords."

On a division, however, the motion was lost by a majority of 66 to 61. Mr. Burke immediately gave notice, that, in consequence of these extraordinary proceedings, he should next day submit a motion to the House, which he deemed absolutely necessary for their honour, dignity, and character. On that day, Friday, the 7th of June, Mr. Grey expressed his wish to the House, that they would accept of his resignation, as a manager. It was his duty to reply to the defence of Mr. Hastings, on the first article of the impeachment. But it was impossible for him to be ready on Monday. In this distress he applied to the House for instruction. After some conversation, a motion was made by Mr. Dundas, to apply once more to the Lords for delay. While this was debated, strangers were excluded. The motion was carried by a majority of 82 to 46.

On Monday, the 10th of June, a petition to the Lords was presented from Mr. Hastings, remonstrating against the application for delay. His language now waxed exceedingly strong. "He could not but regard the further adjournment required, as derogatory to those rights which belong to him, and as warranted by no grounds of reason or justice applicable to the case." He argued, that the time which had been allowed for preparation was quite sufficient; as the greater part of the evidence adduced in his defence had been long familiar to the managers. This allegation was true; but it is one thing to have been long familiar with a great mass of evidence; and another thing to be able to speak upon it; and to show accurately the force with which it applies to all the parts of a complicated question. It is remarkable that the zeal of Mr. Hastings,

not perhaps unnatural, to accuse his prosecutors, should have made him forget that the world would see and feel this distinction. Not only was a very intense process of thought necessary to determine with precision what should be done with every portion of so vast an aggregate of evidence; but the labour was immense to fix every portion, and that which was to be done with it, in the memory;[1] a task which could not be performed till the very time arrived when the tongue was immediately to deliver what the memory contained.

Lord Stanhope, in his zeal for the defendant, moved the House to give notice to the Commons, that the Lords would proceed on the trial on Wednesday next. Lord Abingdon said, "to refuse the application of the Commons would bring a national censure on the House." He asked, "Do your Lordships mean, by a side wind, or some other manœuvre, to get rid of this trial?" Lord Grenville, then rising, proposed an amendment, that instead of "Wednesday next," these words should be inserted, "the second Tuesday in the next session of parliament." After some explanation and debate, the amendment was carried by a majority of 48 to 21.[2]

The proceedings on the trial were resumed by the House of Lords, on Thursday the 13th of February, 1794, the one hundred and eighteenth day of the trial. The counsel for the defendant having requested to take the evidence of Lord Cornwallis, who had just arrived from India; and the managers having given their assent, not as to a right, but an indulgence, the Lords adjourned the trial to Wednesday next. "The delay," says the historian of the trial, "was occasioned by complaisance to Lord Cornwallis, who, it was supposed, might want time to refresh his memory, with the perusal of official papers, before he appeared in the character of a witness, in the impeachment." This was an abundant allowance for refreshing the memory of a witness, compared with the time to which the Lords and the prisoner at their bar contended, at the conclusion of the preceding session, for restricting the

[1] How is this consistent with the former argument in favour of the prompt decision on the ground that the evidence was then easily recollected?—W.

[2] Minutes, ut supra, p. 2090—2323; History of Trial, ut supra, part vi. p. 55—78.

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managers in making ready for the reply. In consequence of the indisposition of the Noble Marquis, the trial was further postponed to the 24th, and then to the 25th of the same month; when it was announced on the part of the defendant, that, in consequence of the continued indisposition of Lord Cornwallis, he waved the benefit of his evidence. The managers expressed their readiness to permit his Lordship to be examined at any period during the remainder of the trial; and at the same time alluded to the arrival of another gentleman, Mr. Larkins, whose testimony, when it was not obtainable, Mr. Hastings had described as calculated to be of the utmost service to him, but, to their great surprise, showed no inclination to avail himself of it, now when it was at his command. Mr. Law said he disdained to accept for his client, as a boon, the power, which was his right, of adducing evidence at any period of his trial; that his client rested his defence upon the grounds already adduced, and was not accountable to any man for the motives which induced him to call or not to call any man as a witness. Mr. Law forgot, or wished his hearers to forget, that the question was not about *accountability*, but about *evidence*; whether by not calling Mr. Larkins, whose absence he had formerly deplored, he did not render the sincerity of that lamentation doubtful, and add to the circumstantial evidence against a cause, for the defence of which, so much artifice was employed. The proper business of Mr. Law would have been to show, if he could, that for such inferences, however natural, the fact of not calling now for the evidence of Mr. Larkins did not afford any ground.

The managers produced evidence to rebut the defence on the Benares charge. It had been stated, that if Mr. Hastings acted wrong in the demands which he made upon Cheyte Sing, Mr. Francis concurred with him. The managers proposed to call Mr. Francis, to show that he did not. The counsel for the defendant objected. They affirmed, that on the reply, the prosecutor was entitled to bring evidence for one purpose only; that of rebutting evidence adduced on the defence. If not for this purpose, it ought to have been given at first, to enable the defendant to meet it in his defence.—This was rather inconsistent with the doctrine of Mr. Law, when, alluding to the offer of

the managers to permit the examination of Lord Cornwallis and Mr. Larkins, he claimed for his client a right to bring any evidence at any period of the trial. The objection about meeting such evidence, on the defence, might be answered, by granting, which would be due, a power of meeting new matter of crimination, by new matter of defence. This objection is, that this would tend to delay; but so it would, if the same matter had, in the first instance, been added respectively to the matter of crimination and that of defence; and it would always be a question, to be left to the court, whether the importance of the evidence was enough to compensate for the inconvenience and delay; and whether any thing sinister was indicated by giving it after, rather than before the defence. Mr. Burke made a speech, in disparagement of the lawyers' rules of evidence; which, he said, were very general, very abstract, might be learned by a parrot he had known, in one half hour, and repeated by it in five minutes; might be good for the courts below; but must not shackle parliament, which claimed a right to every thing, without exclusion, or exception, which was of use to throw light on the litigated point.

After a dispute, which lasted for the greater part of two days, the Commons were informed, that it was not competent for them to adduce the evidence proposed. Mr. Burke again complained bitterly of the want of publicity in the deliberations which led to the decisions, and the ignorance in which the managers were held of the reasons on which they were grounded. It was thus impossible they could know before-hand whether a piece of evidence, which presented itself to them as important, would, or would not, be admitted by the Lords. This refusal of reasons was one of the causes of that delay, of which so many complaints had been raised. Lord Radnor having interrupted him, as arguing against a decision of the House, Mr. Burke said, "What he asked from the House was *publicity* in its decisions on questions of law, and a communication of the grounds on which it formed those decisions. He had condescended to ask this as a *favour*, when he might have claimed it as a *right*." Mr. Law said, he would not waste a moment of their Lordships' time, in supporting a judgment of the House, which, being founded on a rule of law,

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wanted no other support. Mr. Burke replied, that "he had been accustomed to insolent observations from the counsel; who, to do them justice, were as prodigal of bold assertions as they were sparing of arguments." Before the Court adjourned for deliberation, Mr. Hastings again addressed them, enumerated the miseries of delay, prayed for expedition, and, in particular, entreated their Lordships not to adjourn, as usual, on account of the absence of the judges during the circuit.

One of the reasons adduced by Mr. Hastings for the dethronement or deprivation of Cheyte Sing was the bad police of his country; to prove which, the outrages complained of by Major Eaton were adduced. The managers stated that "they would now produce a letter of Major Eaton's, to show he did not consider the supposed irregularities worth inquiring into. The counsel for the defendant objected to the evidence. The House informed the managers, that the whole Benares narrative, and the papers annexed, having been given originally by the managers for the Commons, the evidence tendered was not admissible." Be it so. But that does not hinder this from proving the existence of the letter, and the insignificance of the occurrences on which the plea of Mr. Hastings was erected.

As the defendant had produced in evidence the vote of thanks offered to him by the Court of Directors on the 28th of June, 1785; to rebut this evidence, the managers offered to produce a paper printed for the information of the proprietors, by order of the Court of Directors in 1783. This was vehemently resisted, not only by the counsel for Mr. Hastings, but by himself in person, as an ill-considered and intemperate act of a Court of Directors, who were his political enemies. "It was, therefore (he said), a species of unparalleled cruelty to bring it forward to oppress a man who had already suffered so much, for no other reason which he could divine, than having at a time of great public danger, effectually served his country, and saved India. He relied upon their Lordships' humanity, honour, and justice, that they would not suffer this minute of the censure to be read; it being passed at a moment of intemperate heat and agitation, and utterly extinguished by a subsequent resolution."

Mr. Burke rose as soon as Mr. Hastings had concluded, and contended that the paper was proper to be received, because it was an answer to a letter which the prisoner dared to write to the Directors his Masters, and to print and publish in Calcutta.

Mr. Hastings instantly rose, and said, "My Lords, I affirm that the assertion which your Lordships have just heard from the Manager *is false*. I never did print or publish any letter in Calcutta that I wrote the Court of Directors. I knew my duty better. That assertion is a libel; it is of a piece with every thing that I have heard uttered since the commencement of this trial, by that *authorised, licensed,*—(and after a long pause, he added, turning to Mr. Burke) *Manager!*"

Mr. Burke continued to affirm that Mr. Hastings *had* printed and published the letter in Calcutta. Mr. Hastings loudly called out to him, it was not true; and the counsel said to Mr. Burke, "*No! no!*"

The Lords adjourned, put the question to the judges, received their answer, and announced to the managers on a following day, "That it was not competent for the managers for the Commons to give in evidence the paper, read in the Court of Directors on the 4th of November, 1783, and then referred by them to the consideration of the Committee of the whole Court, and again read in the Court of Directors on the 19th November, 1783, and amended, and ordered by them to be published for the information of the proprietors—to rebut the evidence given by the defendant of the thanks of the Court of Directors, signified to him on the 28th June, 1785." No decision is more curious than this. The same sort of evidence exactly, which the Lords allowed to be given *for* Mr. Hastings, they would not allow to be given *against* him; one proceeding of the Court of Directors, as well as another. It might have been said, that a prior decision of the same court was superseded by a posterior; but this should have been said after both were submitted to consideration, because it might be so, or it might not, according to the circumstances of the case.

On the 1st of March, the Lords not choosing to proceed without the assistance of the Judges, during their absence on the circuit, adjourned the court to the 7th of April. On

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the 6th of March, upon motion made in the House of Commons, by Mr. Burke, the managers were appointed a committee to inspect the journals of the House of Lords, and to examine into the mode of procedure that was adopted on the trial of Warren Hastings, Esq.; and on the 17th of the same month, it was ordered, on the motion of Mr. Burke, that the managers should lay before the House the circumstances which have retarded the progress of the said trial, with their observations thereon.

On the 9th of April, which was the second day of the proceedings after the adjournment for the circuit, Lord Cornwallis was examined on the part of the defendant. His evidence contributed little to establish any thing. If it tended to confirm the views, held up by any one of the parties, more than those by another, it was rather those of the accusers than those of the defendant. On the alleged right of the government to call upon the Zemindars in time of war, for aids, over and above their rents, he made one important declaration, that no such aid had been demanded in any part of India during his administration.[1]

As Mr. Hastings had declined, the managers thought proper, to call for the evidence of Mr. Larkins. The first questions which they put were intended to elucidate the letter which Mr. Larkins, upon the application of Mr. Hastings, wrote to Mr. Devaynes, in explanation of the dates of a part of the presents which Mr. Hastings had received. The counsel for the defendant objected; contending that, in reply, evidence, though of a witness till that time in India, could not be admitted to new matter or matter which had not been contested; but only to points which had been disputed, or evidence which had been attacked. Mr. Burke again disclaimed the authority of the lawyers; and said, "the defendant was placed by these arguments in the most contemptible point of view. He had been specifically charged with bribery, sharping, swindling. From these charges, he had replied, that the testimony of Mr. Larkins, if he had it, would vindicate him. Mr. Larkins was now present. But the prisoner, instead of wishing to clear his fame, called for protection against the testimony to which he had appealed; and

[1] There is nothing very important in this, it amounts to no more than that there had been no occasion to call upon them.—W.

sought a shelter, not in his own innocence, but in a technical rule of evidence." The Lords adjourned to deliberate, and when the court met on a future day, their Speaker announced, "Gentlemen, Managers for the Commons, and Gentlemen of Counsel for the Defendant, I am commanded by the House to inform you, that it is not competent for the managers for the Commons to examine the witness, in relation to a letter of the 5th of August 1786, from the witness to William Devaynes, Esq. one of the Directors of the East India Company, produced as evidence in chief by the managers for the Commons." Mr. Larkins was again called, and one of the first questions which were put was represented by the counsel for the defendant as falling under the same objection. But "so much, they said, had been uttered, about this testimony, and the motives of Mr. Hastings in resisting it, that any longer to forbear bringing these assertions to the test of proof, might perhaps seem to justify the insinuations which had been cast out against the defendant." Relying, therefore, on the justice and humanity of the House to prevent the protraction of the trial, on this or any other account, to another year, they gave their consent to the examination of Mr. Larkins, on the same terms as if he had been examined at the first stage of the trial. This day the Court received another of Mr. Hastings' addresses. Alluding to a report of an early prorogation of Parliament, he conjured them to end his trial before the end of the session; affirming, "that human patience (meaning no disrespect to the Lords) could not sustain this eternal trial." Next day, also, time passing away in disputes about the admissibility of the questions which the managers tendered to the witness, Mr. Hastings rose, and said that, if the Lords would but sit to finish the trial during the present session, his counsel should make no objection to any questions that might be asked. He then made a pathetic statement, recounting the offers which he had made to wave his defence, the actual relinquishment of part of it, and his other sacrifices to expedite the trial, among which he stated his consent to the examination of Mr. Larkins. He ended by praying that the court would sit on the following day, and permit that examination to be closed.

This was on the 16th of April. On the 17th Mr. Burke,

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in the House of Commons, brought up the report of the managers appointed to inquire into the causes of the delay in the trial of Mr. Hastings. An ample view of this important document is required. But it would interrupt too long the proceedings on the trial, and may be reserved till they are brought to a close.[1] The lawyers, whom it desperately offended, because it spoke out, respecting their system, a greater than usual portion of the truth, argued against the printing of it; as in this, however, Pitt and Dundas took part with the managers, the opposition of the lawyers failed.

The examination of Mr. Larkins was concluded on the 28th of April, having, together with the disputes to which it gave occasion, occupied the time of the court for rather more than three days. It had a tendency, but no more than a tendency, rather to clear than convict Mr. Hastings of any intention at any time to appropriate to himself any part of the presents, the receipt of which he afterwards disclosed; because the money, though entered in the Company's books as money of Mr. Hastings, was not entered as such in the accounts kept of his private property by Mr. Larkins. The only new fact of any importance was, that a balance of the presents, received by Gunga Govind Sing for Mr. Hastings, was never paid to Mr. Hastings; who stated, with some marks of displeasure to Mr. Larkins, that Gunga Govind Sing pretended he had expended one lack of rupees, (10,000*l.*) during the absence of Mr. Hastings, in jewels, for a present to Mrs. Wheler, the wife of the member of council, upon whom, together with the Governor-General, the weight of administration at that time reposed.

Of the money which Mr. Hastings had desired to borrow of the Raja Nobkissen, and which he said he had afterwards, upon the entreaty of the Raja, accepted as a present, it appeared that Nobkissen had afterwards demanded payment, when Mr. Hastings had met the demand by what the lawyers call *a set-off*, or counter claim upon the demandant. Nobkissen had then filed a bill of discovery against Mr. Hastings in Chancery. The answer of Mr. Hastings was, that, as an impeachment was depending, he declined giving any answer at all. The managers proposed

[1] See Appendix at the end of this chapter.

to give these proceedings in evidence. The lawyers of counsel for Mr. Hastings repelled them as inadmissible. Mr. Burke was provoked to language scarcely temperate: "He was addressing," he said, "a body of nobles who would act like nobles; and not as *thieves in a night cellar;* he could not suspect them of *so foul a thing* as to reject matter so pregnant of evidence: the notions of the Judges were not binding on the Lords: And the trial of Lord Strafford afforded an example to which, in this respect, he trusted they would always conform." The Lords took the rest of the day to deliberate; and on their next return to the hall of judgment announced, "That it was not competent to the managers for the Commons to give in evidence the pleas put in by Warren Hastings, Esq., on the 14th of February and 25th of March, 1793, to the discovery prayed by a bill in Chancery, filed against him by Raja Nobkissen on the 27th of June, 1792, touching a sum of three lacs of rupees, or 34,000*l.* sterling money, mentioned in the sixth article of charge."

"As the counsel for the defendant had, on the Benares charge, the Begum charge, the charge of presents, and the charge of contracts, given evidence of the distresses of the country, as a justification, or excuse, of the irregular acts of extortion, oppression, bribery, and peculation, charged against the defendant in the articles of charge," the managers proposed to prove, that the cause of these distresses was the misconduct of Mr. Hastings, plunging the Company into a war with the Mahrattas, neither necessary nor just. To this evidence the counsel objected, and the Lords resolved that it was not admissible. Abundance of angry altercation took place both before and after the decision; and Mr. Burke, in the pursuit of his object, a pursuit always eager, now, in some degree, intemperate, exposed himself at last to the imputation of pushing his examinations too far, of putting frivolous, when his stock of important questions was exhausted, and contending long for points, either of no importance, or points in which he might see that he would not succeed. Yet, in these aberrations of a mind, which had now, to a considerable degree, lost the command of itself, a very small portion of time; not six, possibly not so much as three days, in the whole of this protracted business, were really misplaced by him,

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or fell to his share in distributing the blame of the unnecessary portion of delay.

Of the extraordinary proposition, to offer the injustice of the Mahratta war to rebut certain allegations of the defendant, Mr. Burke was probably the injudicious author. This was to bring a fact, to prove another fact, when the evidentiary fact was much more difficult of proof than the principal one; when the evidentiary fact was of such a nature, that it was either not susceptible of precise and conclusive proof; or opened so wide a field of inquiry, that the service it would render in the cause was evidently not a compensation for the trouble, which, in the shape of delay, expense, and vexation, it could not fail to create. This constituted a sufficient ground for the decision which, in this instance, was pronounced by the Lords. Mr. Burke, however, was so pertinacious, as to desire to enter against it a deliberate protest, which he tendered, in a writing of considerable length, and wished to have it entered upon the minutes. But the Lords informed him it could not be received.

After adducing evidence to several other points, the Commons offered matter to rebut the certificates, which had been presented in favour of the character and administration of the defendant, from several parts of India. They proposed to show, that these certificates could not be voluntary, because they were contradicted by the circumstances to which the people were reduced: and if so, these certificates were additional proofs of the atrocity, not of the beneficence, of the English government in India. Among other places, a certificate had arrived even from Dinagepore. To throw light upon this certificate, the managers offered to read the official report of an eminent servant of the Company, upon the government of this province. This was the famous document relative to the cruelties of Deby Sing.[1] Its admission was again resisted on the part of the defendant. Again the Lords decreed that it was not be heard.

The evidence was closed on the 6th of May, which was the 129th day of the trial. The advocate for the defendant having confidently told the Lords, "that all the attempts

[1] To have received it in evidence now, after it had been proved erroneous, would have been preposterous.—W.

which had been made in the present session to support the case of the prosecution had ended in producing an effect directly contrary ; and that important conclusions, which could not have escaped their Lordships' penetration, had resulted in favour of his client from the invaluable oral testimony lately given at their bar," (alluding to the testimony of Lord Cornwallis and Mr. Larkins, which just as little established any thing in favour, as it did in crimination of Mr. Hastings) : and having thus, with a well-timed artifice, assumed, without proof, and as standing in need of no proof, all that he wished to be believed ; he added, that, in imitation of the former sacrifices to which, for the sake of lessening the delay, enormous, dreadful delay, the defendant had already submitted, he would make another sacrifice (which, if that was true which had just been asserted by the counsel, was no sacrifice at all), and wave his right to make any observations on the evidence which had been offered in reply.

The managers then proceeded to sum up the evidence in reply ; Mr. Grey, on the Benares charge, Mr. Sheridan on that of the Begums, Mr. Fox on the charge of presents, and Mr. Taylor on that of contracts. In this business seven days were consumed. Mr. Burke began the concluding speech on the 28th of May, and continued his oration nine days. After the third day, another petition was presented from Mr. Hastings to the House of Lords, which, as it is not very long, and not slightly impregnated with instruction, is here inserted.

"That it is with the greatest reluctance and concern that your Petitioner feels himself obliged once more to address your Lordships on the subject of his long-depending trial.

"Your Petitioner begs leave to lay before your Lordships his well-founded apprehensions, excited by the manner in which the general reply on the part of the managers is now evidently conducted, that such reply is meant to be extended beyond the probable limits of the present session of parliament.

"Your Petitioner hopes he may be allowed to bring to your Lordships' recollection, that the reply was, at the instance of the managers, adjourned over from the last year, under the assurance of an accelerated and early termina-

tion of it; and that the whole of the present session, except a small interruption occasioned by the examination of the Marquis Cornwallis, has been employed by the honourable managers, notwithstanding that your Petitioner has, for the purpose of despatch, in addition to the sacrifices made for a similar purpose in the last year, waved his right to observe, by his counsel, on the new evidence adduced in reply.

"Your Petitioner begs leave again to suggest to your Lordships the unexampled duration of his trial; the indefinite period to which it may be still further protracted; and the extreme vexation and injury to which he would be subjected, if the intention on the part of his prosecutors should be suffered to have effect.

"He implores, therefores, of your Lordships' humanity and justice, that such measures may be adopted on the part of your Lordships, as may assure to your Petitioner the speedy termination of this painful and unparalleled proceeding; and, further, if need should be, that your Lordships will graciously condescend, in such a manner as to the wisdom and dignity of your Lordships may seem meet, to become suitors to his Majesty's goodness in his behalf, that the present session of parliament may be permitted to continue till the reply on the part of the honourable managers for the House of Commons shall be fully and finally closed."

On the opening of the Court, on the first day after this petition to the House of Lords, Mr. Burke, says the historian of the trial, "began, by complaining in very strong terms, both of the Court and Mr. Hastings; of the latter for writing a most audacious libel, under the name of a petition; and of the former for having recorded it in their Journals. What the House of Commons would do, in consequence of this insult, he could not tell, as he had not had an opportunity of consulting the House upon it: he should, therefore, proceed as if no such libel had been written."

Mr. Burke concluded his speech on the 16th of June. On the 20th, in the House of Commons, Mr. Pitt rose to move, "That the thanks of the House should be given to the managers appointed by them to conduct the prosecution against Warren Hastings, Esquire, for their faithful

management in the discharge of the trust reposed in them." The motion was seconded by Mr. Dundas. Mr. Pitt declared, that the magnitude and difficulty of the task which had been imposed upon the managers, and the ability and diligence with which it had been sustained, excited the strongest sentiments in their favour. Delay was the great source of complaint; but if the long intervals of the Court were excluded, and the number of hours were computed which had actually been bestowed upon the business of the trial, it would be found, compared with the quantity of matter essentially involved in the cause, by no means unreasonably great. "The next point," he said, "to be considered was; of this time, whether great or small, how much had been occupied by the managers; and how much by the defendant, as well in the several replies, as by the unceasing and unwearied objections, taken on his part, to almost every thing offered on the part of the prosecution. To prove this disposition of objecting to evidence, gentlemen had but to look to the report made, by their committee, on the causes of delay. They would there find it proved.—It was, in the next place, to be recollected, that their managers had to discuss questions which they could not relinquish without abandoning the privileges of the Commons.—Upon all these grounds he would not allow that, if any unnecessary delay existed, any portion of it was chargeable to the managers for that House."

Mr. Sumner, regretting the unusual necessity which made him vote against the minister, opposed the motion. He said, "he was happy to avow himself a very great admirer of Mr. Hastings; that he looked up to him with every sentiment of regard and affection;" professing at the same time, "that his objections to the present motion arose from circumstances, utterly independent of Mr. Hastings." He excepted to the time of the vote, which, though not contrary to precedent, would have something of the effect of a pre-judging of the cause. However, he at last confessed, that he should have little objection to the vote, if regarded only the rest of the managers without including Mr. Burke. Against him, he ran forth into a long invective; his anger appearing to be directed against the strong terms of disapprobation which Mr. Burke had scattered

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with a lavish hand, not only on Mr. Hastings, but all other individuals whom he regarded as partners either in his crimes or their protection. Mr. Wigley, and others, concurred with him in his observations. Mr. Wyndham, Mr. Francis, and Mr. Fox, said, that many of the expressions, adduced by the Gentlemen as the grounds of their opposition, were not correct: that they disclaimed the separation which had been made between them and their distinguished leader; and that it was affectation and the affectation of weakness, to pretend disgust at the natural language of a strong indignation, when calling for punishment on crimes which the managers believed to have been committed, and to which, if they were committed, no language capable of describing them adequately could be found. Mr. Law, a servant of the Company, and brother of the Counsel for Mr. Hastings, made a speech against the *coarseness* of Mr. Burke, in such language as the following: "If any passage in his speech could be called sublime and beautiful; it was, at the best, but sublime and beautiful nonsense: at other times his expressions were so vulgar and illiberal, that the *lowest blackguard in a bear-garden* would have been ashamed to utter them." He was, indeed, surprised that a Right Honourable Gentleman (Mr. Fox) "should condescend to mix his character with that of the leading manager, whose follies and intemperance he had vainly endeavoured to correct. Whatever might be the abilities of the leading manager, he was totally unfit to conduct a public trial. His violence, his passion, and his obstinacy, were unconquerable. And as for his information," said Mr. Law, "I was really astonished, that a man who had been twenty-two years employed in Indian inquiries, should still be so very ignorant of India. His prejudices had totally warped his judgment."

Upon this latter point, the question was, whether it was Mr. Burke, or Mr. Law, who continued ignorant; and of which of the two it was that prejudices had perverted the judgment to the greatest extent. Mr. Law was very quietly making *himself* the standard of perfection; when, like so many of his brethren in India, he had hardly looked at a single object, except through the medium of prejudice; and had so little information about India, as, on the great

objects, to be wrong in every opinion which he entertained.[1]

1795.

The vote for the thanks of the House was carried by a majority of fifty to twenty-one. The Speaker, in addressing the managers, said; "That the subject to which their attention had been directed was intricate and extensive beyond example: That they had proved it was well suited to their industry and eloquence, the exertions of which had conferred honour, not on themselves only, but on that House, whose credit was intimately connected with their own." Mr. Pitt moved that the Speaker do print his speech.[2]

No further proceeding was had on the trial till the next session of parliament. The 13th day of January, 1795, was the day on which the business was appointed to begin. On that day a committee of the Lords was formed, to inspect the journals, and to report on what they contained respecting the mode of giving judgment on trials of high crimes and misdemeanours. The report was referred to a committee of the whole House, which began to deliberate on the 2nd of March. Though, at the beginning of the trial, it had been determined by the Lords, that they should not proceed article by article, but that all the articles should be lumped together, both in the prosecution and the defence; it was now represented by Lord Thurlow, who had before this time resigned the woolsack

[1] This attack upon Mr. Law for the part he took in the debate, and the just reprobation he pronounced upon the intemperate language which even the friends and admirers of Burke admit that he sometimes employed, is wholly unwarranted by his speech. There was nothing wrong in his opinions on the subject, and on what others he erred in consequence of his ignorance of India, it would be difficult to substantiate. He asserted that the charge recently repeated in the French Convention, that the English were the authors of the famine that occurred in Beugal in 1770, was calumnious and untrue. That the atrocities of Deby Sing had been investigated by a Committee, and proved to be false, and that the original reporter disclaimed his own report as criminating Hastings. That Hastings was not a man of low, vulgar, and obscure origin, nor of base, mean, and sordid occupations. Few will accuse Mr. Law of either error or ignorance in these assertions. He may have erred in his estimate of Burke's motives and conduct, but it cannot in justice be said that therefore only, and his speech furnishes no other grounds, he looked at every object through the mist of prejudice, and was utterly wrong in every opinion he entertained regarding India. It is difficult to understand what part of Mr. Law's speech, the only occasion in which he comes before the reader, could have provoked such gratuitous and unqualified condemnation. Mr. Summer was much more severe in his censure of Burke's proceedings and language. Why has he escaped? Report of the debate of the 20th June 1794. History of Hastings' Trial.—W.

[2] For the evidence, and incidents on the reply, see the printed Minutes, ut supra, p. 2479—2854; History of the Trial, ut supra, part. vii.

to Lord Loughborough, not only that they must not take for decision the articles all in the lump; but that it would be too much for their Lordships to take them even one by one; that it would be necessary, as several of the articles contained several allegations, to break these articles into separate parts, and to deliberate and decide separately upon each. How severe a condemnation this pronounced upon the former decision, by which the whole evidence was demanded in a lump, not one of their Lordships remarked; but they all agreed in the present propriety of that expedient for distinctness which they had formerly renounced and prohibited.

The procedure adopted by their Lordships was, to decide upon each point three times; first in a committee of the whole House; next in the House itself; and a third time as judges in Westminster-hall. Twenty-three questions were formed, upon those articles of impeachment to which the Commons had tendered evidence, and one upon the rest. Upon most of the questions, a debate of considerable length ensued. Lord Thurlow was the strenuous advocate of Mr. Hastings, upon all points; and argued to show from the evidence that no criminal fact whatsoever was proved. Lord Loughborough, the Chancellor, took a different course, and argued to show that of the allegations to which the Commons had adduced their evidence almost all were proved. It was not till the last day of March that the deliberations of the committee were closed, and their resolution upon each of the questions was pronounced. On all of them the vote passed in favour of Mr. Hastings. On the next day, when, agreeably to form, the resolutions were reported to the House, Lord Thurlow moved, that the resolutions reported be read one by one, and a question put upon each. The Lord Chancellor, and several other Lords, contended that this was a proceeding altogether nugatory, if not ludicrous; it was to vote the same questions, first on one day and then on another, on no other account than a change of name; they were called the Committee the one day, the House the other; but no man was bound as a judge, by the decisions either of the Committee or the House; though assuredly embarrassment would be thrown in the way of their determinations as a tribunal, by a reiteration of votes on the same subject,

given when they were not a tribunal. The motion of Lord Thurlow was, nevertheless, carried, by a majority of fourteen to six; and the resolutions one after another obtained a second assent.

The business was not resumed till the 7th of April, when the form was determined of the questions which were to be put to the Lords individually in Westminster-hall. Some discussion occurred, and the questions agreed upon differed considerably from those, on each of which the House had passed a couple of preparatory votes. They proceeded to judgment on the 23rd, when the questions were put and determined in the following mode:

"1. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged by the Commons in the first article of charge?

"George Lord Douglas (Earl of Morton in Scotland), how says your Lordship, Is Warren Hastings, Esq. guilty, or not guilty, of the said charge?

"Whereupon Lord Douglas stood up uncovered, and laying his right hand on his breast, pronounced — Not guilty, upon my honour.

"The Lord Chancellor then put the same question to all the Peers in robes, as follows:

"James Lord Fife, how says your Lordship?—Not guilty, upon my honour.

"Charles Lord Somers, how says your Lordship?—Not guilty, upon my honour.

"Francis Lord Rawdon (Earl of Moira in Ireland), how says your Lordship?—Not guilty, upon my honour.

"Thomas Lord Walsingham, how says your Lordship?—Not guilty, upon my honour.

"Edward Lord Thurlow, how says your Lordship?—Not guilty, upon my honour.

"Martin Lord Hawke, how says your Lordship?—Not guilty, upon my honour.

"Frederick Lord Boston, how says your Lordship?—Not guilty, upon my honour.

"Edwin Lord Sandys, how says your Lordship?—Not guilty, upon my honour.

"Henry Lord Middleton, how says your Lordship?—Not guilty, upon my honour.

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"Samuel Lord Bishop of Rochester (Dr. Horsley), how says your Lordship?—Not guilty, upon my honour.

"John Lord Bishop of Bangor (Dr. Warren), how says your Lordship?—Not guilty, upon my honour.

"Thomas Lord Viscount Sydney, how says your Lordship?—Not guilty, upon my honour.

"George Lord Viscount Falmouth, how says your Lordship?—Not guilty, upon my honour.

"Henry Earl of Caernarvon, how says your Lordship?—Guilty, upon my honour.

"Joseph Earl of Dorchester, how says your Lordship?—Not guilty, upon my honour.

"Algernon Earl of Beverley, how says your Lordship?—Not guilty, upon my honour.

"Jacob Earl of Radnor, how says your Lordship?—Guilty, upon my honour.

"William Earl Fitzwilliam, how says your Lordship?—Guilty, upon my honour.

"George Earl of Warwick, how says your Lordship?—Not guilty, upon my honour.

"George William Earl of Coventry, how says your Lordship?—Not guilty, upon my honour.

"John Earl of Suffolk, how says your Lordship?—Guilty, upon my honour.

"George Marquis Townshend, how says your Lordship? Not guilty, upon my honour.

"Francis Duke of Bridgewater, how says your Grace?—Not guilty, upon my honour.

"Francis Duke of Leeds, how says your Grace?—Not guilty, upon my honour.

"Charles Duke of Norfolk, how says your Grace?—Guilty, upon my honour.

"David Earl of Mansfield, how says your Lordship?—Not guilty, upon my honour.

"William Lord Archbishop of York, how says your Grace?—Not guilty, upon my honour.

"Alexander Lord Loughborough, the Lord Chancellor, pronounced—Guilty, upon my honour.

"Upon the remaining fifteen questions the Peers voted in the following manner:

"2. Is Warren Hastings, Esq. guilty, or not guilty, of

high crimes and misdemeanours, charged by the Commons in the second article of charge?—Guilty, six.—Not guilty, twenty-three.

1795.

"Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the Commons in the sixth article of charge, in so far as relates to the said Warren Hastings having in the years 1772, 1773, and 1774, corruptly taken the several sums of money charged to have been taken by him in the said years, from the several persons in the said article particularly mentioned?—Not guilty, twenty-six.

"4. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the Commons in the sixth article of charge, in so far as relates to his having, on or before the 26th of June, 1780, corruptly received and taken from Sadanund, the Buxey of the Raja Cheit Sing, the sum of two lacs of rupees, as a present or gift?—Guilty, four.—Not guilty, twenty-three.

"5. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the Commons in the sixth article of charge, in so far as relates to his having, in October, 1780, taken and received from Kellaram, on behalf of himself and a certain person called Cullian Sing, a sum of money amounting to four lacs of rupees, in consideration of letting to them certain lands in the province of Behar in perpetuity, contrary to his duty, and to the injury of the East India Company?—Guilty, three.—Not guilty, twenty-three.

"6. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the Commons in the sixth article of charge, in so far as relates to his having in the year 1781, received and taken as a present from Nundoolol, the sum of fifty-eight thousand rupees?—Guilty, three.—Not guilty, twenty-three.

"7. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the Commons in the sixth article of charge, in so far as relates to his having, on or about the month of September, 1781, at Chunar, in the Province of Oudé, contrary to his duty, taken and received as a present from the Vizir, the sum of ten lacs of rupees?—Guilty, three.—Not guilty, twenty-three.

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"8. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the Commons in the sixth article of charge, in so far as relates to his having first fraudulently solicited as a loan, and of his having afterwards corruptly and illegally taken and retained as a present or gift, from Raja Nobkissen, a sum of money amounting to 34,000*l.* sterling; and of his having, without any allowance from the Directors, or any person authorized to grant such allowance, applied the same to his own use, under pretence of discharging certain expenses said to be incurred by the said Warren Hastings in his public capacity?—Guilty, five.—Not Guilty, twenty.

"9. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the Commons in the fourth article of charge, in so far as relates to his having, in the year 1781, granted a contract for the provision of opium for four years, to Stephen Sulivan, Esq. without advertising for the same, and upon terms glaringly extravagant and wantonly profuse, for the purpose of creating an instant fortune to the said Stephen Sulivan?—Guilty, five.—Not Guilty, nineteen.

"10. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the Commons in the fourth article of charge, in so far as relates to his having borrowed money at a large interest, for the purpose of advancing the same to the contractor for opium, and engaging the East India Company in a smuggling adventure to China?—Not Guilty, twenty-five.

"11. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the Commons in the fourth article of charge, in so far as relates to the contract for bullocks granted to Charles Croftes, Esq.?—Guilty, three.—Not Guilty, twenty-three.

"12. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the Commons in the fourth article of charge, in so far as relates to his having granted the provision of bullocks to Sir Charles Blunt by the mode of agency?—Guilty, three.—Not Guilty, twenty-three.

"13. Is Warren Hastings, Esq. guilty, or not guilty, of

high crimes and misdemeanours, charged upon him by the Commons in the fourth article of charge, in so far as relates to the several allowances charged to have been made to Sir Eyre Coote, and directed to be paid by the Vizir for the use of the said Sir Eyre Coote?—Guilty, four.—Not Guilty, twenty-two.

"14. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the Commons in the fourth article of charge, in so far as relates to the appointment of James Peter Auriol, Esq. to be agent for the purchase of supplies for the relief of the Presidency of Madras, and all the other Presidencies in India, with a commission of fifteen per cent.?—Guilty, four.—Not Guilty, twenty-two.

"15. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the Commons in the fourth article of charge, in so far as relates to the appointment of John Belli, Esq. to be agent for the supply of stores and provisions for the Garrison of Fort William in Bengal, with a commission of thirty per cent.?—Guilty, three.—Not Guilty, twenty-three.

"16. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanours, charged upon him by the residue of the impeachment of the Commons?—Guilty, two.—Not Guilty, twenty-five."[1]

On the 29th of May, at the desire of nine Proprietors, a General Court of the East India Company was held; at which two resolutions were passed, recommending that indemnification should be made by the Company to Mr. Hastings, for the legal expenses incurred by him in making his defence; and that, in consideration of his important services, an annuity of 5000*l.* out of the territorial revenue should be granted to him and his representatives, during the term of the Company's exclusive trade. Both questions were determined by ballot, one on the 2nd,

[1] In this concluding part of the business of the impeachment, has been followed a volume in quarto entitled "Debates of the House of Lords, on the Evidence delivered on the Trial of Warren Hastings, Esquire; Proceedings of the East India Company, in consequence of his Acquittal; and Testimonials of the British and Native Inhabitants of India, relative to his Character and Conduct whilst he was Governor-General of Fort William in Bengal."—This was a volume compiled and distributed under Mr. Hastings' directions, and at his expense, but never published. The contents of it, however, are found almost verbatim in the History of the Trial, (part. viii.) to which reference has been so frequently made.

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the other on the 3rd, of June. These proceedings were communicated to the ministers on the 24th of June, by whom the questions were submitted to the law officers of the crown. Legal doubts existed whether, under the legislative appropriation of the Company's revenues and profits, any fund existed from which the proposed allowances could be drawn. For a time the ministry showed no disposition to let the munificence of the Company obtain its effect. The application was not answered till the 13th of January, 1796; and then the answer was unfavourable, with respect to both parts of the donation. The question, however, did not rest. A negotiation was carried on between the Court of Directors and the Board of Control. Finally, on the 2nd of March, it was announced at a General Court, that the Board of Control and the Court of Directors had agreed in the propriety of granting to Mr. Hastings an annuity of 4000*l.* for twenty-eight years and a half, to commence from June 24th, 1785.[1] Nothing as yet was determined respecting a re-imbursement of his law expenses, but, in order to relieve him from his present embarrassments, 50,000*l.* was lent to him by the Company, without interest, for eighteen years.[2]

[1] Debates of the House of Lords, &c., ut supra, p. 331—495.

[2] When 16,000*l.* on this loan had been repaid, the rest was remitted, and in 1814 his pension was continued for the remainder of his life. In 1813 W. Hastings was called upon to give evidence on matters affecting the renewal of the East India Company's Charter before the House of Commons; and upon his retiring, the members paid him the compliment of rising simultaneously from their seats: he was shortly afterwards elevated to the station of Privy Counsellor. In 1820 it was resolved by the Court of Proprietors that a statue of him should be placed in the Court Room; and about the same time a meeting of inhabitants of Calcutta voted the erection of a statue of him in that city. The speeches made upon this latter occasion by several distinguished servants of the Company are worthy of notice as ingenuous avowals of the dissipation of prejudices contracted in early life from a perusal of speeches of Sheridan and Burke, by a more mature judgment, and a nearer acquaintance with the people of India. It was also remarkable that the Governor-General to whom application was necessarily made for the purpose of carrying the vote into effect, the Marquis of Hastings, had been one of his predecessor' judges. He not only expressed his ready concurrence in the proposed tribute, but stated that he had been most punctual in his attendance during the trial, and had pronounced conscientiously a verdict of acquittal; and that all which he had learned since his arrival in India strongly supported the rectitude of the verdict which he had delivered in England. Asiatic Journal, March 1820.—W.

The observations that have been scattered through the preceding notes will have sufficiently expressed the views entertained by the writer of the administration of Warren Hastings; but as in attendance upon the text they have been spread over a considerable space in a detached, and not always methodical manner, a summary review of the measures by which that administration was characterized may not be without its use.

In considering the occurrences which took place during the administration of W. Hastings, whether civil or military, the peculiarities of the position of

the English in India should always be borne in mind. A great territory had been acquired by a rapid succession of unexpected and extraordinary events, and the servants of the Company were conquerors and kings, where but a very short time before they had been barely suffered to trade. At the date of Hastings' appointment to the station of Governor-General, scarcely ten years had elapsed since the expulsion of the last independent Nabob of Bengal, Kasim Ali Khan, and the assumption of the supremacy over the Bengal provinces by the Company. It was utterly impossible that in so brief an interval the information should have been acquired which was essential to the good government of a numerous population, of whose language, manners, opinions, and laws, their new rulers were ignorant, or that the resources and relations of the surrounding states, with some of which no intercourse had been opened, and with none of which had any intimate connexion been fully established, should have been thoroughly investigated, and accurately understood. In all the discussions which took place at home, these considerations seem to have been overlooked, and expectations were evidently entertained that the Indian governments should have been guided in their measures by an experience which it was impossible they could have gained, and by fixed principles which they had yet enjoyed no means of forming. The expectations were most unreasonable, and the manner in which their disappointment was resented was most unjust.

With the appointment of W. Hastings in 1772, ceased the attempt to administer the affairs of Bengal in concert with the Court of Moorshedabad, and under the mask of its nominal authority. The Company stood forth, as they expressed it, as Dewan. The change, as the text truly defines it, was enormous, it was an innovation which affected the tenure of all property, and completely altered the administration of justice. It was the duty of Hastings to carry this momentous revolution into effect, and he accomplished the task with intense labour and consummate ability.

W. Hastings brought with him to the arduous duties assigned to him qualifications which have always been rare in India, but which were then much less frequently found in the Company's servants than they have since been, knowledge of the language of the people, of their manners and institutions, and conversancy with the details of both native and British rule. No time, therefore, was lost in fitting himself for his duties. He at once took his place as President of two Committees, one for the investigation of the mode in which justice had been administered under the Mohammedan government, and the other for the ascertainment of the manner in which the revenues had been collected, and the amount which might be levied without oppressing the people. Full reports on both subjects were prepared, and plans devised for adapting the conduct of affairs to the change in those by whom they were in future to be conducted. That the plans so devised, and which were avowedly experimental, should have been at once free from imperfection, was not within the scale of human wisdom. They required, and they received, during the whole period of the government of Hastings, constant and careful investigation, and they were subjected to frequent modifications. Many of their provisions, however, whether principal or subsidiary, have been ratified by time, and the institution of Provincial Courts and Courts of Appeal, or the Dowance and Nizamut Adawlts, of provincial collectors, of the Salt Agency, the Presidency Treasury, and the Board of Revenue, which are still the principal instruments for carrying on the revenue and judicial functions of the government, owe their origin to W. Hastings.

The inquiries and enactments which necessarily accompanied the reorganization of an extensive country in which all the old institutions had been abruptly overturned, might of themselves have been considered a sufficient demand upon the time and deliberations of the head of the government; but his measures were delayed, thwarted, and not unfrequently frustrated, by the systematic opposition which he experienced from his colleagues, and the insubordination which their example and encouragement spread amongst the service. Embarrassment also arose from other quarters. In the third year of his administration the Supreme Court commenced its operations, and was very soon engaged in a contest for authority with the Governor-General and his council. The contest lasted for some time, and seriously aggravated the difficulties which attended the introduction of the new system of judicature, as well as the anxieties and embarrassments of the government. The pretensions

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of the Court were firmly but respectfully resisted; they were moderated by the compromise which Hastings judiciously effected in placing the Chief Justice at the head of the native courts; and they were finally circumscribed by the interference of Parliament. However troublesome and vexatious the usurpations of the Court must have been, it is worthy of remark that no violence was permitted in the opposition of the government, and that no interruption occurred to the personal intimacy of the Judges and the Governor-General.

Nor was there any intemperance in the conduct of Hastings towards his colleagues, although their animosity assailed his private character as well as his public measures. They brought natives into the Council Room to charge him in his seat of office with gross corruption; they endeavoured to compel his resignation by force, and he was obliged to vindicate his reprobation of their proceedings by the exposure of his life in a duel. That opposition so inveterate and incessant must have grievously embittered his life, and enhanced the anxieties and labour of his high office, cannot admit of question, whilst it is singularly characteristic of the spirit of his administration, that he inflexibly though calmly persisted in the prosecution of those public objects which he deemed wise and expedient, and ultimately triumphed over talented as well as virulent opposition.

The public measures of W. Hastings were not only embarrassed by local instructions but had to contend with formidable obstacles at home. His antagonists at the Council Board were the creatures of the minister, and were sure of his support. The same interest created a strong party against Hastings in the Direction, and more than one occasion showed that the ministry and the Directors were both eager to get rid of him. For a public man, in the service of England, to rely solely upon his public merit, would be indeed to lean upon a broken reed; he must meet party with party; he must make "friends." Hastings was not exempt from this necessity, and he was successful. Many of his friends were, no doubt, attached to him on account of his personal worth; and it was justly remarked that no man ever had more zealous friends than he had. Some persons possibly supported him on public grounds, but the large majorities that protected his interests in the Court of Proprietors, must have been influenced by other motives. The obligation of securing their support, as well as that of vindicating his measures to the Directors, in opposition to their sentiments, must have been a plentiful source of embarrassment, anxiety, and labour. The correspondence and the Minutes of Council which proceeded from the pen of Hastings are most voluminous. It is evident that he never meditated but on paper, and it is difficult to conceive a moment when his mind and his pen could have been at rest. Yet even the immense toils of his civil administration, and the public and private difficulties by which his whole path was beset, constituted but the minor events by which his government was characterized. The greater proportion of the period of his administration was a season of *warfare*, during which the very existence of the British power in India was at stake.

W. Hastings had scarcely assumed charge of his appointment, when he found himself engaged in the reduction of the military power of the Rohillas. The transaction did not originate with him, it was a legacy from his predecessors: and in continuing to take part in it, he acted, not as a principal, but as the confederate of the Nawab Vizir. That the government of Oude had justifiable grounds for seeking to annihilate the political existence of the Rohillas, is undeniable. They were dangerous neighbours, and had been hostile from the first aggrandizement of their leaders. There had always been a struggle for mastery between the principalities, and it was not possible that it should terminate without the subjugation of the one or the other. Policy the most palpable, instigated the Vizir to accomplish their annihilation, not, as absurdly misrepresented, as a people, but as a power. Policy equally obvious urged the British government to fulfil the spirit of the stipulations into which they had entered with the Vizir, as the means of conciliating the only potentate in Hindustan able and disposed to form with them a counterpoise against the Mogul and the Mahrattas. Feeble as the Court of Delhi had become, its extreme weakness was not suspected, and in the name of the King it still possessed a formidable watchword which might have combined the strength of India against the English. The power of the Mahrattas was great, and was imagined to be still greater. It was impossible that they should not

look with evil eyes upon the rich plains of Bengal and Behar, now defended against their spoliations, and they claimed the districts of Corah and Allahabad on the part of the Mogul. They had, therefore, powerful inducements to assail the English in addition to those of a more truly national policy. Had the princes of India been capable of foresight or combination, they would not have suffered the dominion which a handful of foreigners had founded, to have grown into a fearful predominance. They were able at this time to have crushed the infant empire, and it was but prudent to anticipate that they would attempt it. It was known that a coalition of the Mogul, the Mahrattas, and the Rohillas had been contemplated, and it only wanted the accession of the Vizir to have rendered the situation of the English more perilous than when they contended with Suraj ad Dowla alone. It was, therefore, of infinite importance to preserve the friendship of the Vizir, and to contribute to the improvement of his resources by the cession made to him of Corah and Allahabad, and the assistance given to him against irreconcileable enemies. It was taking a very narrow view of the policy of Hastings, to ascribe his support of the Vizir to pecuniary considerations alone. The payments made by him, however convenient to the government, were but minor and subsidiary advantages. The main purpose of Hastings was the friendship of Oude, and he succeeded in preserving it. Events testified the wisdom of his policy. He was able to apply the whole of his resources to meet the perils which presently came fast upon the English from other quarters, because he was secure in the direction of Oude: he was able to encounter and overcome enemies the most formidable in Western India and the Dukhin, because, in consequence of his relations with the Vizir, he had nothing to apprehend from enemies in Hindustan.

The Rohilla campaign was scarcely at an end—the arrangements for the conduct of civil affairs were yet incomplete—when the distractions of the councils of Bengal commenced, and were speedily followed by the announcement of hostilities between the Presidency of Bombay and the much dreaded and really dangerous confederacy of the Mahrattas. These hostilities were suspended for a time by the pacific intervention of the government of Bengal, but they were renewed in 1778, with the approbation of the Court of Directors, and the concurrence of the Supreme Government. The support given by Hastings was decided, judicious, and vigorous, and generally without the co-operation, or in despite of the counteraction of his colleagues. By timely negotiations he deterred a leading member of the Mahratta State, the Bhonsla Raja, qualified by his position and power to have inflicted a deadly blow upon the resources of Bengal, from taking any part in the contest, and by an operation of singular daring, considering the time and circumstances—that of sending an army to the assistance of Bombay across the whole of central India, he not only afforded aid of vital importance to the sister Presidency, but exhibited to the native states a proof of the spirit and resources of the government of Bengal, which struck them with salutary astonishment and apprehension.

Early in the year 1779, that of the very first campaign, the British arms on the side of Bombay sustained a disgraceful discomfiture, and the safety of the troops was purchased by an ignominious pacification. The terms were not ratified by the Mahratta ministers, and an opportunity was afforded to Bombay to redeem its reputation. This was the only advantage that resulted from the renewal of hostilities. The Mahratta armies, notwithstanding the courage with which they were opposed, were not to be resisted; they overran the Konkan—cut off all the resources of the Bombay Presidency, and left it wholly dependent upon Bengal for means to defray not only its current expenditure, but the pay of the troops. There wanted but the co-operation of the Bhonsla and Sindia to have expelled the English entirely from the coast of Malabar. The providence of Hastings had kept the former quiet, and his energy recalled the latter to the defence of his territories in Hindustan. The success of the armament despatched by Hastings against Malwa disposed Sindia to peace, and by his intermediation also the war was brought to a close at a season when the pressure of other enemies added to the difficulty and danger of its continuance.

About the time when hostilities with the Mahrattas commenced, information reached India of a war with France. The coast of Coromandel necessarily became the scene of hostile movements. At first, the proceedings of the

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Madras Presidency were successful, but great exertions were made by France, and during the five years that the war continued, the French forces, both by land and sea, acquired many advantages, and were upon the eve of obtaining a formidable superiority on the coast, when peace between the parent countries was restored. It was not only by their own strength, however, that the French were dangerous: their hostility was rendered more alarming by the peril to which Madras was exposed from a still more implacable and powerful foe.

When war with the Mahrattas and French was fairly on foot, the Madras Government, although unable to maintain, without assistance from Bengal, the contest with the latter, wantonly offered insult and injury to the Nizam and to Hyder Ali, the warlike sovereign of Mysore. The two princes were on the eve of an alliance with the Mahrattas and the French, when the Nizam was diverted from his purpose by the prudent interference of Hastings; and it was well that it was so, for, although not of much account in himself, the Nizam, aided by a French corps, and acting simultaneously with Hyder, would probably have effected the ruin of Madras. Even without his aid, Madras was saved with difficulty, and it was saved by Bengal. Hyder Ali broke into the Carnatic when no preparation had been made to resist him—formed an alliance with the French—cut to pieces one division of the army sent against him, and drove the other to the walls of Madras. The whole of the country was in his possession:—the Presidency was utterly destitute of military stores, of money, and even in want of food. It was preserved from destruction, and enabled ultimately to effect a peace on advantageous terms with Tippoo, entirely by the prompt and extensive supplies which the energy of Hastings provided. The war ceased only the year before the term of his government expired.

Here, then, was a distant warfare maintained for several years with the two most powerful and warlike states of India—Hyder and the Mahrattas, and with a formidable European rival, entirely by the resources of Bengal. These, under the administration of Hastings, were large, but they were not illimitable, and they had demands of their own to answer. Such was the annual provision of the Company's investment, the main stay of their credit and disbursements in England, and amidst all the financial embarrassments of the Government of Bengal, this was never interrupted. As, however, the ordinary means at his command were not adequate to the emergencies of his situation, Hastings had recourse to those which were the principal topics of his subsequent impeachment. He demanded contributions of Cheit Sing, and countenanced the Nawab Vizir's resumption of that wealth from which alone he could discharge his debt to the Company and furnish the Government with that pecuniary aid which was urgently needed. It was preposterous to tax Hastings with either tyranny or avarice on these accounts. He had no aim in gathering treasures into the coffers of the Company, except pouring them forth again for the equipment of those armies and fleets upon which the safety of British India depended. He may be charged with rigour in the execution of his resolves, but those resolves were dictated by an imperious necessity, and there was no time for hesitation. To have admitted of any temporising would have been a weakness that might have entailed the loss of Bombay and Madras, if not the extinction of the British power in Bengal. It was the characteristic merit of Hastings to resolve calmly and act resolutely. He says of himself, with perfect truth, "it was ever my rule in all political transactions, however I might allow myself to hesitate in forming plans of action, to prosecute them, when they were formed, with a fixed and undeviating resolution, to their accomplishment."

These are the great features of the administration of Hastings. In the civil branch of his government he laid, amidst many obstructions from ignorance and animosity, the foundations of the judicial and revenue systems which have ever since prevailed, and in despite of equal embarrassments and opposition in the conduct of the military transactions in which he was involved, he rescued the Presidencies of Bombay and Madras from the most imminent peril, and placed the British power in India in a position beyond the reach of future danger from hostile aggression. Clive acquired an empire; its perpetuation is due to Hastings.

The limits of a note have been already too much transgressed to allow of any notice being taken of other less prominent, although by no means un-

important circumstances of the government of Hastings. It is not possible, however, to omit all mention of the beneficial encouragement and direction which he gave to the first attempts that were made by the English in India to acquire an accurate knowledge of the people amongst whom they dwelt. Besides Committees appointed officially to institute investigations into the systems of revenue and law which had prevailed under the native governments, the servants of the Company were engaged, under his patronage, in deriving authentic information from native authorities. A code of Hindu law was compiled by the Pundits, and translated into English. The Hedeya or Mohammedan code was also translated, and the translation of the Ayin Akbari, the Institutes of Akber, was commenced under the patronage of Hastings. He also founded the Mohammedan College of Calcutta, expressly that competent expounders of Mohammedan law might be reared for the public service. Nor was his patronage restricted to the literature of Hindu or Mohammedan law. It was liberally granted to all literary undertakings. The Press was of his creation—the first types were cast, the first presses worked, by his authority and with his aid. The Bhagavat Gita was translated and printed—the translation of the Seir Mutakherin was commenced—the first grammar of the Bengali language was published. Names the most illustrious in the history of Indian Oriental literature, Halhed, Hamilton, Gladwin, Wilkins, Wilford, belong to this era; and when Sir William Jones instituted the Asiatic Society of Bengal, he not only received the warm concurrence of Hastings, but found a body of Asiatic scholars ready to enlist under his banners, whom the patronage of the Governor-General had reared. Nor is the period of the government of Hastings less remarkable for talent in other departments, and many of the most distinguished of the Company's civil servants, Grant, Shore, Duncan, the two Colebrookes, Anderson, Harington, and others, of like reputation, were either his associates or his disciples.

Whether, therefore, we look to the origination of the systems which have prevailed in India since the days of Hastings, for the collection of the revenue or the distribution of justice—to the consolidation and durability of the political power of the Company, which he found feeble and tottering, and left impregnable—or to the liberal spirit of inquiry and zeal for the public service which he impressed indelibly upon the character of the Company's servants, it cannot be denied that his administration has infinite claims upon the gratitude of the Company, and if India be worth the having, upon the gratitude of Great Britain.

Were there, then, no imperfections, no errors, no faults, in the administration of Hastings? The answer to this is—he was a man. There were defects, no doubt, but there were no great crimes and misdemeanours to justify his impeachment. In his internal government there was profuse expenditure, and undue facilities were afforded to individuals to enrich themselves, by profitable contracts, at the public cost. Some of this, it may be admitted, arose out of the necessity which was imposed upon the Governor-General by the opposition he had to overcome both in India and in England, a necessity which he deeply lamented—of conciliating support—he did sometimes purchase 'friends' with the money of the state—his offence is not singular—and in his day, in particular, men were a very purchaseable commodity. He wanted them, and he bought them with the funds at his disposal—payment of a less coarse description may now be offered, but there is no reason to believe that the traffic has ceased. Some part of this profuse expenditure, however, may be also attributed to want of sufficient thrift, for it may be granted that Hastings was not, at all times, sufficiently careful of pecuniary outlay, whether it was on his own account or that of the state. The greatest portion of the extravagance however was unavoidable. In the utter want of organization, which the newness of all the public departments necessarily presented, there was no other mode of procuring supplies, except by the system of contracts. There were no officers in the employ of the Government who had either the time or the skill to conduct such duties themselves, and it was indispensable to have recourse to those who were stimulated to the attainment of the requisite qualifications by interested motives. The system survived Hastings long after the pleas by which it was vindicable, in his time, had lost their force, and it cannot in justice be made a ground of accusation against his government. As it affected his own conduct, although there was at times a want of care and caution, there was no justifiable reason for charging him with being guilty of

corruption. It was never attempted to be proved that he had, in any way, benefited by the advantageous contracts by which he secured opulence to others.

To the principles of his foreign policy no shadow of guilt can be attached. The safety and honour of British India were manifestly the motives of all his actions. Whether he was not at times less unrelenting than the occasion called for, may admit of conjecture; but undoubtedly the times were critical —great firmness was demanded—and its excess was a venial error, when its deficiency would have been an inexpiable crime.—W.

APPENDIX.

"*Report from the Committee of the House of Commons appointed (viz. on the 5th of March, 1794) to inspect the Lords' Journals in relation to their Proceedings on the Trial of Warren Hastings, Esq., and to report what they find therein to the House; which Committee were the Managers appointed to make good the Articles of Impeachment against the said Warren Hastings, Esq., and who were afterwards (viz. on the 17th of March, 1794) instructed to report the several matters which have occurred since the commencement of the said Prosecution, and which have, in their Opinion, contributed to the Duration thereof to the present Time, with their Observations thereupon.*"

A SHORT account of the spirit of this document, and of the principal matters which it contains, is of high importance. It is a criticism not only upon this trial, but upon the law; a thing in this country of great rarity, from a source of high authority. It would also be a thing of great utility, if it would show the people of the country, what they have been carefully disciplined not to believe, that no greater service can be rendered to the community than to expose the abuses of the law; without which the hope of its amendment is for ever excluded. The view is incomplete, and but superficial, which Mr. Burke, who was the author of the document, takes, even of that small portion of the mass of abuses, of which he had occasion to complain. He neither stretched his eye to the whole of the subject, nor did he carry its vision to the bottom. He was afraid. He was not a man to explore a new and dangerous path without associates. Edmund Burke lived upon applause—upon the applause of the men who were

able to set a fashion; and the applause of such men was not to be hoped for by him who should expose to the foundation the iniquities of the juridical system. In the case of public institutions, Mr. Burke had also worked himself into an artificial admiration of the bare fact of existence; especially ancient existence. Every thing was to be protected; not because it was good, but, because it existed. Evil, to render itself an object of reverence in his eye, required only to be realized. Acutely sensible, however, to the spur of the occasion, he felt the abuses which crossed him in his path. These he has displayed with his usual felicity of language; and these it is of importance with respect to the imitative herd of mankind to have stamped with the seal of his reprobation.

I. Under the first head of the report, an analysis was given of the duration of the trial, and of the causes to which that duration was owing. At that time the trial had occupied, through six years, only 118 days. Of these it appeared that in speeches, opening, and summing up, the managers consumed nineteen days; that in speeches, opening, and summing up, and his own addresses, the defendant and his counsel had consumed twenty-two days. In documentary and oral evidence fifty-one days were employed by the managers; and twenty-three on the part of the defendant. But, as the managers brought forward the case, they were under the necessity of adducing almost all the documents which bore upon the facts, and to interrogate almost all the witnesses from whom, on either side, any information could be derived. A great part of this evidence the defendant, at the time of his defence, had only to apply. Lastly, and chiefly, the greater part of the long and harassing contentions about the admissibility of evidence, took place during the fifty-one days which are set down to the account of the managers, but of which the greater part was consumed on account of the defendant.

"This last cause of the number of sitting-days," said the report, "your Committee considers as far more important than all the rest.

"The questions upon the admissibility of evidence, the manner in which these questions were stated, and were decided; the modes of proceeding; the great uncertainty

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of the principle upon which evidence in that Court is to be admitted or rejected; all these appear to your Committee materially to affect the constitution of the House of Peers as a court of judicature, as well as its powers, and the purposes it was intended to answer in the state.

"The conservation of all other parts of the law; the whole indeed of the rights and liberties of the subject, ultimately depends upon the preservation of the law of parliament in its original force and authority.

"Your Committee had reason to entertain apprehensions, that certain proceedings in this trial may possibly limit and weaken the means of carrying on any future impeachment of the Commons."

In the House of Commons, on the 11th of May, 1790, Mr. Burke affirmed that the Lords sat on the trial in Westminster Hall not more than three hours a day on an average. Suppose in this statement some exaggeration; four hours is doubtless a large allowance. The number of hours, then, consumed in the trial, was 472. If the court had acted constantly, and ten hours a day (a well-constituted judicature, during the continuance of a trial, would not account ten hours an excess) the trial of Warren Hastings, which lasted eight years, and occupied 145 days, might with all the technical obstructions have been begun, carried through all its stages, and finished, in little more than sixty days, or about two calendar months. When the defendant, therefore, and his counsel, took advantage of the disgraceful catalogue of years, to cast odium upon the managers, they were the cause of injustice. It is worthy at the same time of being observed, that it was the length of the trial of which he affected so bitterly to complain, and the horrid expense with which law proceedings are in this country attended, which by converting suspicion, and in many cases indignation, into pity, rendered the termination of the trial so favourable to Mr. Hastings; which, if his acquital, from the lips of his judges, would at any time have been equally sure, rendered, most undoubtedly, his acquittal at the great tribunal of public opinion much more complete; and which was the sole cause of the gratuities with which he was afterwards treated.

II. The relation of the ordinary, the law judges, to the

court of parliament, the committee remarked upon, as a thing of great importance to fix and to understand. They had found their interference peculiarly hostile to all those ends of justice which the technical rules of procedure are calculated to obstruct. It was, therefore, the committee declared, agreeable to them, to find, upon inquiry, that the judges were nothing but servants; "that they neither had, nor of right ought to have, a deliberative voice, either actually, or virtually, in the judgments given in the High Court of Parliament;" and that their answers to questions are no further a guide to that court than it pleases to make them.

III. The committee set forward a principle which, in the capacity of managers, they had frequently urged in Westminster Hall; that the Lords were not bound by the Roman law, or that of any of the inferior courts in Westminster Hall; but only by the law of parliament. That they were not bound by the Roman, or English technical law, it might be very wise to maintain. But where was that law of parliament of which the committee spoke? It had no existence, any where; it was a mere fiction; spoken of, indeed, but never seen. This is one of those important facts, its ignorance of which exposed the mind of Mr. Burke to much of the perplexity, confusion, and embarrassment, which it experienced upon this subject: and to much of the weakness and inconsistency, of which the lawyers were disposed to take a prompt and unsparing advantage. It was one of the grand foundations, too, of that imperfection of the House of Lords, as a criminal tribunal, whence those evils resulted, with complaints of which the nation was filled.

IV. The committee were not satisfied with showing, that the formalities in pleading, rigidly demanded in the ordinary course of law, had been explicitly and solemnly determined to be unnecessary before the Lords; they were bold enough to proceed further in condemnation of the courts below, and to offer reasons for showing that some at least of the formalities of these courts were hostile, not conducive, to substantial justice.

It is necessary, for example, in an indictment, that a certain day be assigned for the commission of the fact. Yet on the trial it is sufficient to prove that it happened

on any other day. In this, the committee said, there was "something ensnaring; the defendant having *notice* to answer for only one day, when the prosecutor has his choice of a number of days." They made also the following important remark, that the practice of the ordinary courts of law in England, is distinguished by "extreme rigour and exactness in the *formal* part of the proceeding, and extreme laxity in the *substantial* part:" That is to say, it is a practice well calculated for sacrificing the substance of justice, under the screen of attention to its forms.

But here also Mr. Burke found himself weak; and so did his opponents find him: because he knew not the ground upon which he stood. He was afraid to do more than carp, at detached instances, at one or two formalities, which he had found, in the case before him, might be employed for the obstruction of justice. And the lawyers overwhelmed him with assumptions to which it was the habit of his mind to submit. Had he seen far enough into the subject, to be able to denounce every thing merely technical in judicial procedure, every thing which falls not under the description of a simple and rational instrument of simple and rational inquiry, as a contrivance set up to impede the course of justice, and existing only for pernicious ends; the lawyers would have found that they had nothing beside their common-place fallacies by which they could oppose him.

V. On the question of *publicity*, the managers spoke with the greatest emphasis. They divided the subject into two parts; that relating to the publicity of the judges' opinions; and that relating to publicity in general.

In taking the opinions of the judges in private, and defrauding the parties and the public of the benefit of their reasons, the committee complained, that the House of Lords had violated, at once, the obvious rules of natural justice, and the established law and usage of their own house. To show what was the law and usage of the High Court of Parliament a variety of precedents were adduced.

On the more general part of the question, it was the object of the committee to show that the publicity of all the proceedings of the judges, and the statement of the reasons upon which all their determinations were founded, were so much the confirmed and undeviating practice in

all other English courts of law, that "it seemed to be moulded in the essential frame and constitution of British judicature."

It was also their object to show, that this great principle was indispensably necessary, both for preserving the public liberties of the country, and for securing to the people the benefits of law.

"It was fortunate," they said, "for the constitution of this kingdom, that in the judicial proceedings in the case of Ship-money, the judges did not then venture to depart from the ancient course. They gave, and they argued, their judgment, in open court. Their reasons were publicly given; and the reasons assigned for their judgment took away all its authority."

In regard to the benefits of the law, they said; "To give judgment privately, is to put an end to Reports; and to put an end to Reports is to put an end to the law of England." This the committee made out, by showing, that in respect to law the people of England are in a most dreadful situation. For the greater part of that which they ought to possess in the state of precise and accurate law, they have nothing but notes, taken by any body, of what has been done, without any better kind of law, in this and the other instance, in the several courts. It followed of course, that if you have no law beside these notes, and yet destroy your notes, you destroy also the law. "Your Committee," said the report, "conceives, that the English jurisprudence has not any other sure foundation; nor consequently the lives and properties of the subject any secure hold; but in the maxims, rules, and principles, and juridical traditionary line of decisions, contained in the notes taken, and, from time to time, published, called Reports." After the word "published," the report says, "mostly under the sanction of the judges;" an expression that misleads, if it is understood to import any security taken by the judges, that they are correct: or even any knowledge the judges possess of what they are to contain.—Is not this a shocking account of a state of law yet existing in a civilized country? It is here also fit, to insert a protest which was entered in the Journals of the Lords, against the innovation of secret deliberation

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and despotical mandates — mandates purely despotical, because mere expressions of arbitrary will.

"DISSENTIENT. 1st. Because, by consulting the Judges out of court in the absence of the parties, and with shut doors, we have deviated from the most approved, and almost uninterrupted, practice of above a century and a half, and established a precedent not only destructive of the justice due to the parties at our bar, but materially injurious to the rights of the community at large, who in cases of impeachment are more peculiarly interested that all proceedings of the High Court of Parliament should be open and exposed, like all other courts of justice, to public observation and comment, in order that no covert and private practices should defeat the great ends of public justice.

"2ndly. Because, from private opinions of the Judges upon private statements, which the parties have neither heard nor seen, grounds of a decision will be obtained, which must inevitably affect the cause at issue at our bar; this mode of proceeding seems to be a violation of the first principle of justice, inasmuch as we thereby force and confine the opinions of the Judges to our private statement; and, through the medium of our subsequent decision, we transfer the effect of those opinions to the parties who have been deprived of the right and advantage of being heard, by such private, though unintended, transmutation of the point at issue.

"3rdly. Because the prisoners who may hereafter have the misfortune to stand at our bar will be deprived of that consolation which the Lord High Steward Nottingham conveyed to the prisoner, Lord Cornwallis, viz.: 'That the Lords have that tender regard of a prisoner at the bar, that they will not suffer a case to be put in his absence, lest it should prejudice him by being wrongly stated.'

"4thly. Because unusual mystery and secrecy in our judicial proceedings must tend either to discredit the acquittal of the prisoner, or render the justice of his condemnation doubtful.

"(Signed) PORCHESTER,
SUFFOLK AND BERKSHIRE,
LOUGHBOROUGH."

VI. The Committee next showed, by irresistible evidence, that the House of Lords, by the questions which they had transferred to the decision of the judges, had subverted the usage of parliament, violated some of the most important privileges of the Commons, betrayed and relinquished their own judicial trust, and broken down one of the strongest bulwarks of the constitution.

On all former occasions, the judges were consulted by the Lords, not on the individual circumstances of the individual cause, but on some general question, within which the circumstances of the individual case might fall, and the application of which to those circumstances the Lords reserved to themselves.

"In the present trial," says the report, "the judges appear to your Committee, not to have given their judgment on points of law, stated as such, but to have, in effect, tried the cause, in the whole course of it, with one instance to the contrary.—The Lords have stated no question of general law; no question on the construction of an act of parliament; no question concerning the practice of the courts below. They put the whole gross case and matter in question, with all its circumstances, to the judges. They have *for the first time*, demanded of them what particular person, paper, or document, ought, or ought not, to be produced before them, by the managers for the Commons of Great Britain.

So much for the innovation. Now for the consequences of it.

"This mode strikes, as we apprehend, at the vital privileges of the House. For, with a single exception, the case being stated, the questions are raised directly, specifically, and by name, on these privileges; that is, What evidence is it competent for the managers of the House of Commons to produce.—We conceive, that it was not proper, nor justified by a single precedent, to refer to the judges of the inferior courts any question, and still less for them to decide in their answer, of what is, or is not, competent for the House of Commons, or for any committee acting under their authority, to do, or not to do, in any instance or respect whatsoever. This new and unheard-of course can have no other effect than to subject to the discretion of the judges the law of parliament and the privileges of

the House of Commons, and in a great measure the judicial privileges of the Peers themselves, any intermeddling in which, on their part, we conceive to be a dangerous and unwarrantable assumption of power."

Such were the effects upon the privileges of the Lords and the Commons. Let us next observe what they were upon objects of much greater importance.

"The operation of this method is, in substance, not only to make the judges masters of the whole process and conduct of the trial; but, through that medium, to transfer to them the ultimate judgment of the cause itself and its merits.

"These essential innovations tend, as your Committee conceives, to make an entire alteration in the constitution and in the purposes of the High Court of Parliament, and even to reverse the ancient relations between the Lords and the Judges.

"It tends wholly to take away from the Commons the benefit of making good their case before the proper Judges, and submits this high inquest to the inferior courts.

"Your Committee sees no reason why, on the same principles and precedents, the Lords may not terminate their proceedings, in this and in all future trials, by sending the whole body of evidence taken before them, in the shape of a special verdict, to the Judges, and may not demand of them whether they ought, on the whole matter, to acquit or condemn the prisoner. Nor can we discover any cause that should hinder them from deciding on the accumulative body of the evidence, as hitherto they have done in its parts, and from dictating the existence or non-existence of a misdemeanour or other crime in the prisoner, as they think fit,—without any more reference to principle or precedent of law, than hitherto they have thought proper to apply in determining on the several parcels of this cause.

"Your Committee apprehends that very serious inconveniences and mischiefs may hereafter arise from a practice in the House of Lords, of considering itself as unable to act without the judges of the inferior courts, of implicitly following their dictates, of adhering with a literal precision to the very words of their responses, and putting

them to decide on the competence of the managers for the Commons,—the competence of the evidence to be produced,—who are to be permitted to appear,—what questions are to be asked of witnesses, and, indeed, parcel by parcel, of the whole of the gross case before them; as well as to determine upon the order, method, and process of every part of their proceedings. The judges of the inferior courts are by law rendered independent of the Crown. But this, instead of a benefit to the subject, would be a grievance, if no way was left of producing a responsibility. If the Lords cannot, or will not, act without the Judges; and if (which God forbid!) the Commons should at any time find it hereafter necessary to impeach them before the Lords, this House would find the Lords disabled in their functions, fearful of giving any judgment on matter of law, or admitting any proof of fact without them; and having once assumed the rule of proceeding and practice below as their rule, they must at every instance resort, for their means of judging, to the authority of those whom they are appointed to judge."

On the side of judicature, then, the people were left without a remedy. The Lords, by nullifying themselves, took away every legal check upon the iniquity of judges, because the judges could only be tried before the Lords, and to be tried before the Lords was to be tried by themselves.

For the departure from the ancient practice of framing a general question, within which the particular point in doubt was comprehended, to the new and extraordinary practice of sending the particular point itself to the judges, before whom the cause and its evidence was not brought, two possible causes are assignable. First: Talent, and the exercise of talent, were necessary to the framing of general questions; but talent was possibly scarce, and the labour of thought undoubtedly painful. Secondly: General rules, framed to embrace the particular instances, decided as they were by the judges, would, in many cases, not have borne to be expressed; their efficacy in corrupting the administration of justice, would have been sufficiently visible, to excite the indignation of the world.

They would have been seen to be, what, by the com-

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mittee, they were declared to be, "of a tendency to shut up for ever all the avenues to justice;" to operate as "a means of concealment:" "to render the process of judicature, not the terror, but the protection, of all the fraud and violence arising from the abuse of power;" and, united with "private, unargued judicial opinions, to introduce, by degrees, the miserable servitude which exists where the law is uncertain or unknown."

"*A miserable servitude exists wherever the law is uncertain or unknown.*" Such was the opinion, solemnly pronounced, on a very important occasion, by the assemblage of great men by whom this trial of Warren Hastings was conducted. Does any man dispute its truth and importance? After this acknowledgment, did the managers reflect how dreadfully uncertain law must be, in that country where it has nothing for its foundation, but the notes taken by casual individuals, of the incidents which happen in this and that individual case? Did they reflect, to how dreadful a degree law must be unknown, in that country in which it is so voluminous and obscure, that the longest life of the most ingenious lawyer, according to the lawyers themselves, is not sufficient to learn completely even one of its parts? Is it necessary to add, how great a portion of this *miserable servitude* is, therefore, the curse and the disgrace of the country, among the legislators of which these managers themselves were found?

VII. The committee made a dissertation of considerable value upon the rules of evidence, or rather the rules for exclusion of evidence. Even here, however, the author of the report saw his way but obscurely. He perceived distinctly, that every one of the rules of exclusion which had been brought to bear against himself, was mischievous and opposed to the course of justice in that particular application of it. But he did not ascend to the principle of exclusion itself; and perceive that generically it was pregnant with nothing but mischief. The mind of Mr. Burke was not a generalizing mind. It rested upon individual cases; had little native propensity to ascend any higher; and seldom did so, unless when impelled by unusual circumstances.

The committee begin with stating to the House of Commons, and to the world, a most important fact. They

had been informed, before the trial began, that use would be made of the rules of evidence to obstruct them. That is to say, the knowledge existed, and was capable of being turned to practical account, that the laws of evidence were useful to protect a criminal; because it was not yet known whether Hastings was criminal or not criminal; but it was perfectly known, as it seems, that, in either case, the laws of evidence would be effectual to obstruct his prosecutors. And, happily, the power of obstructing justice, which English law thus puts into the hands of her professors, received a memorable and flagrant illustration, on the trial of Warren Hastings.

The committee first observe, that if the rules for excluding evidence were of advantage in questions which related to men of our own country, and to private transactions, they were altogether inapplicable, in questions which related "to a people separated from Great Britain by a very great part of the globe, separated by manners, by principles of religion, and by inveterate habits as strong as nature itself, still more than by the circumstance of local distance;" and questions which related to men, "who, in the perpetration and concealment of offences, have had the advantage of all the means and powers given to government for the detection and punishment of guilt, and for the protection of the people."

The author of the report lays down the principle of evidence, with more than his usual comprehensiveness, in the following words: "Your committee conceives, that the trial of a cause is not in the arguments or disputations of the prosecutors and the counsel, but in the *evidence;* and that to *refuse* evidence, is to refuse to hear the cause. Nothing, therefore, but the most clear and weighty reasons ought to preclude its production." Yet, after laying down this important proposition, the author seems to have known little of its value; for he makes hardly any use of it, but goes immediately to challenge his adversary, on the score of precedent and practice; though he had made the committee expressly declare, that where not "founded on the immutable principles of substantial justice, no practice in any court, high or low, is proper, or fit to be maintained."

The committee proceeded to lay before the House and

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the world, the result of a careful research, which they professed to have made into the subject of *legal technicalities*, or "those supposed strict and inflexible rules of proceding and of evidence, which appeared to them," as they affirmed, "destructive of all the means and ends of justice;" a declaration more firmly grounded than even they were aware; and of which their country has not yet been wise enough to profit.

They gave an account of the doctrine of evidence, as it had been manifested in the proceedings of the high court of parliament, as it existed in the civil or Roman, and as it existed in English law. The inference presented was, that on the trial of Mr. Hastings, the Lords, in the leading-strings of the judges, went beyond the law of Parliament, beyond the civil, and beyond even the English law, in their rejections of evidence.

Reflecting upon the history of English law, which for a series of years had been relaxing the ceremonial of barbarous times, and always most rapidly in the hands of its most enlightened professors, the committee presented a most important historical and philosophical fact. That an overlaboured devotion to forms, at the expense of substance, is the bent of a rude age, and of a rude mind, in all ages.

The committee, having produced a number of the most remarkable instances they could find, in which the judges had violated the formalities of law in order to preserve the substance of justice, exhibited the following brilliant eulogium on the courts of law: "It is with great satisfaction your committee has found, that the reproach of *disgraceful subtleties*, of inferior rules of evidence which prevent the discovery of truth, of forms and modes of proceeding which stand in the way of that justice, the forwarding of which is the sole rational object of their invention, cannot fairly be imputed to the common law of England, or to the ordinary practice of the courts below."

This was to draw a general rule from the induction of a small and insufficient number of particulars, agreeably to the mental habit of Edmund Burke. He had exhibited a certain number of instances, in which the formalities of law had been made to yield to the claims of justice. He might have exhibited a much greater number, in which the claims of justice had been made to yield to the formalities

of law. Mr. Burke seems to have been perfectly ignorant of a great and pervading principle of English law, which may be called *the principle of duplicity*. On occasions, so numerous as to extend over a great part of the whole field of law, English juges are provided with *two* grounds, on which they may erect their decisions; two *opposite* grounds, by means of which they may, upon the same question, make choice of any one of two opposite decisions which they please; and still be in the right. They may follow the rule of rational justice, and the genuine merits of the case, without regard to the formalities of law. In that instance, they are clothed with the praise of liberality. They may adhere to the formalities, and disregard the substance of the case. In that instance they are decorated with the praise of a zeal for the law, for the steadiness and fixity in the rules of law on which the usefulness of them mainly depends. This power of deciding, either on one side or another, just as they please, is arbitrary power; and, as far as it extends, renders the Judges completely, and uncontrollably, despotic. They may do whatever they please. They may favour justice, if they have an inclination for justice. They may violate justice, if they have any end to serve by the violation. In the one case they are safe, on pretence of justice; in the other they are safe, on pretence of law.

VIII. After some general observations on the nature and importance of circumstantial evidence, the committee stated that the Lords had, on this occasion, pursued a course, not only unsupported by any practice of their predecessors, and in hostility with the practice of the Courts below; but a course which appeared to the committee "totally abhorrent from the genius of circumstantial evidence, and mischievously subversive of its use."

"As proof by circumstantial evidence rarely, if ever," says the report, "depends upon one fact only, but is collected from the number and accumulation of circumstances concurrent in one point; we do not find an instance until this trial of Warren Hastings, Esq., (which has produced many novelties) that attempts have been made by any court to call on the prosecutor for an account of the purpose for which he means to produce each particle of this circumstantial evidence, to take up the circumstances one

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by one, to prejudge the efficacy of each matter separately in proving the point; and thus to break to pieces and garble those facts, upon the multitude of which, their combination, and the relation of all their component parts to each other, and to the culprit, the whole force and virtue of this evidence depends. To do any thing which can destroy this collective effect, is to deny circumstantial evidence."

The following was another pertinent remark. "Your committee cannot but express their surprise at the particular period of the present trial when the attempts to which we have alluded first began to be made. We did not find any serious resistance on this head, till we came to make good our charges of secret crimes; crimes of a class and description, in the proof of which all Judges of all countries have found it necessary to relax almost all their rules of competency; such crimes as peculation, pecuniary frauds extortion, and bribery."

IX. The committee complained that the Lords had made it a ground of exclusion, if a question was put on the cross-examination, not on the examination in chief; or if an article of evidence was tendered on the reply, not in the first stage of the prosecution. They entered into a long argument to show that this conduct, as it was unfavourable to the discovery of truth and correct decision; so it was unsupported by any thing in the law or practice of the courts.

X. The committee, last of all, commented upon the defence set up for this rejection of evidence; that it corresponded with the practice of the Judges in trying offences under commissions of oyer and terminer. They made a distinction between common jurymen, bound to give their verdict at one sitting, and the peers of parliament, possessing all the time for deliberation which the case might require. They allowed, with flagrant inconsistency, that exclusion might be very wise and good, when it was common jurymen who where to decide upon the case; contended that it was very noxious when the Lords of Parliament were to decide; as if common jurymen were capable of deciding accurately and justly upon the merits of a case, with evidence not complete; the Lords of Parliament were not capable! As if the way to prevent

ignorance from deciding wrongly was to withhold information! As if a man with imperfect eyes were expected to find his way best in the dark! Assuredly, if an ignorant man is called upon to make a decision, the way to obtain a correct one is not to deprive him of information on the subject, but to give him all the information in your power, and instruct him, as completely as you can, what degree of influence each article of information intrinsically possesses towards proving the matter in dispute.

This unprecedented exposure of abuses in the law, and of the advantage made of those abuses, by the professors of the law, excited the highest indignation among those professors. Lord Thurlow, at the head of them also in impetuosity of temper, broke out, on an early occasion, with the flames which were kindled within his breast.

In a debate which took place in the House of Peers, on Thursday, May 22nd, on the bill for allowing government to take up and confine for a limited time persons suspected of treasonable or seditious practices, Lord Thurlow in his speech mentioned "a pamphlet which his Lordship said was published by one Debrett, in Piccadilly, and which had that day been put into his hands, reflecting highly upon the Judges and many Members of that House, it was disgraceful and indecent; such as he thought never ought to pass *unpunished*. He considered that vilifying and *misrepresenting* the conduct of Judges and Magistrates, intrusted with the administration of justice and the laws of the country, *was a crime* of a very heinous nature, most destructive in its consequences, because it tended to lower them in the opinion of those who ought to feel a proper reverence and respect for their high and important stations; and when it was stated to the ignorant and wicked, that their Judges and Magistrates were ignorant and corrupt, it tended to lessen their respect for, and obedience to, the laws of their country, because they were taught to think ill of those who administered them."[1]

[1] Had the House of Lords prosecuted Debrett for a libel, they would only have followed the example set them by the House of Commons a few years before, in the course of this same trial. The charges found against Hastings were printed and sold. They were commented upon, with considerable ability and some severity, by the Rev. Mr. Logan, one of the ministers of Leith, in Scotland. This review was published by a bookseller of the name of Stock-

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We may here observe one of the most remarkable of the expedients of the lawyers. What they have laboured from an early date to create and establish in the minds of their countrymen is—a belief, that it is criminal ever to express blame of them or their system. This endeavour has hardly been less diligent than it has been successful. The belief has grown into one of the most rooted principles in the minds of the more opulent classes of Englishmen. That it is one of the most pernicious prejudices is indisputable. For it is obvious, that it confers upon the lawyers, as far as it goes, a complete and absolute license to make the system of which they are the organs, and upon which all the happiness of society depends, as favourable to their own interests, at the expense of those of the community, as ever they please. It is, therefore, a belief artificially created by the lawyers, for the protection of their own abuses; and will never be allowed to retain a place in the mind of any enlightened and disinterested man. The grand remedy for the *defects* of government is to let in upon them publicity and censure. There are no abuses in the exposure of which society is more interested than those of the law. There is no misconduct in the exposure of which it is more interested than that of the lawyers.

The first thing observable in the speech of this great lawyer is the *fiction*, under which he speaks of the report of a committee of the House of Commons. It was a *pamphlet* published by one Debrett. The regulations of Parliament required, that notice should not be taken in one of the Houses, of any thing done in the other. The speech of the great lawyer, then, was a flagrant violation of that rule; for the whole purport of it was to arraign the *matter* of the writing, which was the production of the House of Commons, not the mere act of *publication*, in which alone Debrett was concerned. A rule that can be set aside by a

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dale; and, upon the motion of the managers, an information was filed against him by the Attorney-General, for a libel on the Commons House of Parliament. The cause was heard in the Court of King's Bench, in December, 1789. The occasion was rendered remarkable by the eloquence of Erskine, who defended Stockdale, and made a speech in his defence, which is considered as one of the most brilliant specimens of his oratory. Although only incidental to the subject, there are several passages in the speech which powerfully vindicate the conduct of Hastings.—See Erskine's Speeches, vol. ii. 205.—W.

fiction, that is, by a declaration more or less false, adapted to the purpose, is not a rule that is good for much, as it will never be in substance regarded when any one has a motive for breaking it.

The vindictive Judge here speaks of two things, *vilifying*, and *misrepresenting*. If he meant to say, that the report of the committee of the House of Commons had misrepresented any thing done by the Judges, of either of the two descriptions, concerned in the trial of Mr. Hastings; it is not true. He could not have mentioned a single fact which was not justly stated; nor a single censure, with respect to which, the fact against which it was pointed, and the reasons for which it was applied, were not both of them distinctly assigned. Nothing could be further from misrepresentation than this.

Further, the offended Judge speaks of *two* things, vilifying, and misrepresenting, as if they were one and the same thing; and thereby creates a deceitful and mischievous confusion. *Misrepresenting*, which is conveying a false conception of another man, is always bad. It may or it may not imply guilt, according to the state of the mind from which it issued. But all means should be employed both to prevent its existence, and to provide a remedy for its effects. *Vilification* is a very different thing; and is subject to very different laws. Vilification, as distinct from misrepresentation, is the conveying a true character of a bad man. The case is not easy to be conceived, in which that is not good for society. There can be no case, in which to publish the true character of a bad ruler is not good for society. There can be no case, in which to publish the true character of a bad *Judge* is not pre-eminently beneficial to society.

Observe the sleight of hand with which the artificer endeavours to pass his counterfeit coin. *Vilification* and *misrepresentation*, are both spoken of as the same thing. Misrepresentation is unquestionably bad; and vilification being shuffled in, under the same cover, is spoken of as bad also. And then comes the doctrine, delightful to the lawyer, that to speak with censure of the dignitaries of the law, on any occasion, or in any shape, is the height of criminality; and that "to reflect," as they call it, upon the Judges, that is, to make just remarks upon ill-be-

haviour, "ought never to pass *unpunished*." It is very natural for Judges to preach punishment for all "reflection" upon Judges. But what is the consequence with respect to the unhappy community? To ensure to the Judges a power of gratifying and aggrandizing themselves at their expense; the power, in short, of making and keeping the law, an instrument, to any extent which they please, not of justice, but oppression.

Hear the plea of the lawyer, in behalf of his mischievous claim: "To make known," says he, "the offences of great men of the law, would diminish respect for, and obedience to the laws." That is to say: When laws and the administration of them are made good, they will not be respected: When they are bad, if you only say nothing about their badness, and allow the lawyers to praise the badness as if it were goodness, you will then have perfect respect and obedience. Who but those who have rendered up their understandings to the will of the deceivers, can believe this wretched misrepresentation of the human mind? It requires pains and trouble, cunningly and perseveringly applied, to make people in love with that which hurts them; leave them only to the operation of nature, and that which does them good will of itself engage their affections. If half the pains were taken to make the people see the excellence of good laws, that have been always taken to prevent them from seeing the wickedness of bad laws, an obedience such as the world has never yet beheld, and never can behold, till that righteous course is adopted, would be the consequence, ensured, with the certainty of the laws of nature.[1]

[1] What Mr. Burke said upon the subject of this attack deserves attention; though his strictures fall greatly short of the mark, because his mind was deluded by the fallacy—of respect for bad judges, and bad laws. On the day after the speech of Lord Thurlow was delivered in the House of Lords, he thus addressed the House of Commons:

"The license of the present times makes it very difficult to talk upon certain subjects in which Parliamentary Order is involved. It is difficult to speak of them with regularity, or to be silent with dignity or wisdom. All our proceedings have been constantly published, according to the discretion and ability of individuals, with impunity, almost ever since I came into Parliament. By prescription, people had obtained something like a right to this abuse. I do not justify it. The abuse is now grown so inveterate, that to punish it without a previous notice would have an appearance of hardship, if not injustice. These publications are frequently erroneous as well as irregular, but not always so: what they give as Reports and Resolutions of this House, have sometimes been fairly given.

"It has not been uncommon to attack the proceedings of the House itself, under colour of attacking these irregular publications; and the House, not-

withstanding this colourable plea, has, in some instances, proceeded to punish the persons who have thus insulted it. When a complaint is made of a piratical edition of a work, the author admits that it is his work that is thus piratically published; and whoever attacks the work itself in these unauthorized publications, does not attack it less than if he had attacked it in an edition authorized by the writer.

"I understand, that in a place which I greatly respect, and by a person for whom I have likewise great respect, a pamphlet published by a Mr. Debrett has been very heavily censured. That pamphlet, I hear (for I have not read it), purports to be a Report made by one of your committee to this House. It has been censured (as I am told) by the person and in the place I have mentioned, in very harsh and very unqualified terms. It has been said, and so far very truly, that at all times, and particularly at this time, it is necessary for the preservation of order and the execution of the law, that the characters and reputation of the Judges of the Courts in Westminster Hall should be kept in the highest degree of respect and reverence: and that in this pamphlet, described by the name of a Libel, the characters and conduct of those Judges upon a late occasion had been aspersed, as arising from ignorance or corruption.

"I think it impossible, combining all the circumstances, not to suppose that this speech does reflect upon a Report which, by an order of the committee on which I served, I had the honour of presenting to this House. For any thing improper in that report I am responsible, as well as the other members of the committee, to this House, and to this House only. The matters contained in it, and the observations upon them, are submitted to the wisdom of the House, that it may act upon both, in the time and manner that to your judgment may seem most expedient, or that you may not act upon them at all, if you should think it most useful to the public good. Your committee has obeyed your orders; it has done its duty in making that Report. I am of opinion with the eminent person by whom that Report is censured, that it is necessary, at this time very particularly, to preserve the authority of the Judges. This, however, *does not depend upon us, but upon themselves.* It is necessary to preserve the dignity and respect of all the constitutional authorities. This, too, depends upon ourselves. It is necessary to preserve the respect due to the House of Lords: it is full as necessary to preserve the respect due to the House of Commons: upon which (whatever may be thought of us by some persons) *the weight and force of all other authorities within this kingdom essentially depend.* If the power of the House of Commons is degraded or enervated, no other can stand. We must be true to ourselves; we ought to animadvert upon any of our members who abuse the trust we place in them: we must support those who, without regard to consequences, perform their duty.

"For your committee of managers and for myself, I must say, that the Report was deliberately made, and does not, as I conceive, contain any very material error, or any undue or indecent reflection upon any person. It does not accuse the Judges of ignorance or corruption. Whatever it says, it does not say calumniously. This kind of language belongs to persons whose eloquence entitles them to a free use of epithets. The report states, that the Judges had given their opinions secretly, contrary to the almost uninterrupted tenor of Parliamentary usage on such occasions. It states that the opinions were given, not upon the *Law*, but upon the *Case*. It states that the mode of giving the opinions was *unprecedented, and contrary to the privileges of the House of Commons.* It states that the committee did not know *upon what rules and principles the Judges had decided upon those cases*, as they neither heard them, nor are they entered upon the Journals. It is very true, that we were and are extremely dissatisfied with those opinions, and the consequent determination of the Lords; and we do not think such a mode of proceeding at all justified by the most numerous and the best precedents. None of these sentiments are the committee, as I conceive (and I full as little as any of them), disposed to retract or to soften in the smallest degree.

"The report speaks for itself. *Whenever an occasion shall be regularly given to maintain every thing of substance in that Paper, I shall be ready to meet the proudest name for ability, learning, or rank, that this kingdom contains, upon that subject.* Do I say this from any confidence in myself? Far from it! It is from my confidence in our cause, and in the ability, the learning, and the constitutional principles, which this House contains within itself, and

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which I hope it will ever contain; and in the assistance which it will not fail to afford to those who, with good intention, do their best to maintain the essential Privileges of the House, the ancient Law of Parliament, and the public Justice of the Kingdom." Hist. of Trial, part vii. p. 117, 118.

No reply or observation was made on the subject by any other member.—M.

It appears from Burke's correspondence with Dr. Laurence, that he at one time contemplated writing a History of the Trial, and that when he found his health and powers unequal to the task, he imposed it earnestly upon his friend. He retained to the last moments of his life a deep impression that his charges were just, and that his accusation of Hastings was the great glory of his life. Upon the subject of the acquittal of Hastings, he writes to Dr. Laurence—"Let not this cruel, daring, unexampled act of public corruption, guilt, and meanness, go down to posterity without its due animadversion. Let my endeavours to save the nation from that shame and guilt, be my monument, 'the only one I ever will have.' He was with some difficulty deterred from addressing a petition to the House of Commons, against the decision of the Lords, and was most indignant with the ministry for sanctioning the pension and the loan. At a subsequent period, in February, 1797, he exults over the loss of 44,000*l.* by Mrs. Hastings, in consequence of the failure of a Dutch house of business, and evidently concludes that this money had been invested in foreign securities, that it might be kept secret. It is, however, very nearly the sum accounted for as the accumulation of the marriage-settlement of Mrs. Hastings, in a letter from her husband to the Court in 1795. In the same letter he repeats his request, and takes a short review of his conduct, which is of exceeding interest, as a remarkable, although melancholy proof of the extraordinary manner in which virtuous feelings, uncontrolled by cautious judgment, and misdirected by imperfect knowledge, could mislead even so illustrious a man as Burke.

"The affair of Mrs. Hastings has something in it that might move a third Cato to a horse-laugh, though the means, I am afraid, by which she and her paramour have made that and all the sums which they have got by their own dishonesty, or lost by the dishonesty of others or the confusion of the times, [might cause] the laughing Democritus to weep as much as his opponent: but let whoever laugh or weep, nothing plaintive will let Mr. Pitt or Mr. Dundas blush for having rewarded the criminal whom they prosecuted, and sent me and nineteen members of Parliament to prosecute, for every mode of peculation and oppression, with a greater sum of money than ever yet was paid to any one British subject, except the Duke of Marlbro', for the most acknowledged public services, and not to him if you take Blenheim, which was an expense and not a charge, out of the account. All this and ten times more will not hinder them from adding the Peerage, to make up the insufficiency of his pecuniary rewards. My illness, which came the more heavily and suddenly upon me by this flagitious act, whilst I was preparing a representation upon it, has hindered me, as you know, from doing justice to that act, to Mr. Hastings, to myself, to the House of Lords, to the House of Commons, and to the unhappy people of India, on that subject. It has made me leave the letters that I was writing to My Lord Chancellor and Mr. Dundas, as well as my petition to the House of Commons, unfinished. But you remember, likewise, that when I came hither at the beginning of last summer, I repeated to you that dying request which I now reiterate, That if at any time, without the danger of ruin to yourself, or over-distracting you from your professional and parliamentary duties, you can place in a short point of view, and support by the documents in print and writing which exist with me, or with Mr. Troward, or yourself, the general merits of this transaction, you will erect a cenotaph most grateful to my shade, and will clear my memory from that load, which the East India Company, King, Lords, and Commons, and in a manner the whole British Nation, (God forgive them!) have been pleased to lay as a monument upon my ashes. I am as conscious as any person can be of the little value of the good or evil opinion of mankind to the part of me that shall remain; but I believe it is of some moment not to leave the fame of an evil example, of the expenditure of fourteen years' labour, and of not less (taking the expense of the suit, and the costs paid to Mr. Hastings, and the parliamentary charges) than near 300,000*l.* This is a terrible example, and it is not acquittance at all to a public man, who, with all the means of undeceiving himself if he was wrong, has

thus with such incredible pains both of himself and others, persevered in the persecution of innocence and merit. It is, I say, no excuse at all to urge in his apology, that he has had enthusiastic good intentions. In reality, you know that I am no enthusiast, but [according] to the powers that God has given me, a sober and reflecting man. I have not even the other very bad excuse, of acting from personal resentment, or from the sense of private injury — never having received any; nor can I plead ignorance, no man ever having taken more pains to be informed. Therefore *I* say, *Remember*." Correspondence, &c.

It is certain, however, notwithstanding this denial of enthusiasm, that enthusiastic zeal was at the bottom of all Burke's proceedings in this remarkable inveteracy towards Hastings, and that, as observed by an equally distinguished orator, "his prejudices on this occasion warped his judgment." "When strongly interested," Lord Brougham continues, "Burke was apt to regard things in false colours and distorted shape. The fate of society for many years hung upon Hasting's impeachment; during that period, he exhausted as much vituperation upon the East Indians in this country, as he afterwards did on the Jacobins; and he was not more ready to quarrel with Mr. Fox on a difference of opinion about France, than he had been a year before to attack Mr. Erskine with every weapon of personal and professional abuse, upon a slighter difference about the abating of the impeachment: nay, after the Hastings' question might have been supposed forgotten, or merged in the more recent controversy of French affairs, he deliberately enumerates among the causes of alarm at French principles, the prevalence of the East India interest in England; ranks 'Nabobs' with the diplomatic body all over Europe, as naturally and incurably Jacobin; and warns this country loudly and solemnly against suffering itself to be overthrown by a Bengal Junto." Statesmen of the Time of George III., by Henry Lord Brougham, 163.—W.

CHAPTER III.

Arrangement about Troops and Money with the Nabob of Oude.— The Guntoor Circar obtained from the Nizam, and a new Arrangement made with that Prince.— Aspect which that Arrangement bore to Tippoo Sahib.— Dispute of Tippoo with the Raja of Travancore.—Tippoo attacks the Lines of Travancore.— The English prepare for War.— Form an Alliance with the Nizam, and with the Mahrattas.— Plan of the Campaign.— General Medows takes possession of Coimbetore, and establishes a Chain of Depôts to the Bottom of the Gujelhutty Pass.— Tippoo descends by the Gujelhutty Pass.—And compels the English General to return for the Defence of the Carnatic.— End of the Campaign, and Arrival of Lord Cornwallis at Madras.— Operations in Malabar.— A new Arrangement with Mohammed Ali, respecting the Revenues of the Carnatic.

LORD CORNWALLIS took in his hand the reins of the Indian government in the month of September, 1786; and was guided by a pretty extensive code of instructions,

BOOK VI. CHAP. III. carried out from the joint manufacture of the Board of Control and the Court of Directors.

1786. Of the two grand divisions into which the measures of this Governor-General are distinguished; those which regarded the interior management of the empire, and those which regarded its external relations; the one constitutes a subject distinct from the other; and we shall consult utility, by reserving the attempts which he made to improve the state of the government, till after the narrative is presented of the transactions which took place between him and the neighbouring powers.

The state of the connexion with the Nabob of Oude was the object which first solicited the attention of Lord Cornwallis. The preceding Governor-General and Council had pledged themselves to Mr. Hastings for the support of that arrangement, which was one of the last measures of his administration. But no sooner had Lord Cornwallis arrived in India, than the Nabob proposed to come even in person to Calcutta, and pressed in the most earnest manner for leave to send Hyder Beg Khan his minister. The object was to represent as insupportable the weight of the burden which was still imposed upon his country; and to entreat that the temporary brigade, now called the Futtyghur brigade, should, agreeably to the contract which Mr. Hastings had formed, but which had never been observed, now be withdrawn.

To Lord Cornwallis, it appeared, however, by no means safe, to intrust the defence of the Nabob's dominions to the stipulated amount of the Company's troops, a single brigade at Cawnpore. In the minute which he recorded upon this occasion, he represented the discipline of the Nabob's own troops as too imperfect to be depended upon, even for the obedience of his subjects; who were retained in submission solely by their dread of the Company's arms. He described the character of the Nabob as a pure compound of negligence and profusion. And though, at that time, Oude was threatened with no particular danger; and the expense attending the continuance of the brigade at Futtyghur exceeded the sum which he was entitled to exact of the Nabob, he adhered to the resolution that the troops should not be removed.

In the pecuniary burden, however, he admitted some

alteration. It appeared that, during the nine preceding years, the Nabob had paid to the Company, under different titles, at the rate of eighty-four lacs of rupees per annum; though by the treaty of 1775, he had bound himself to the annual payment of only 31,21,000, and by the treaty of 1781, to that of 34,20,000 rupees.

It was agreed that fifty lacs should be the annual payment of the Nabob; and that this should embrace every possible claim. The Governor-General declared that this was sufficient to indemnify the Company for all the expense which it was necessary for them to incur in consequence of their connexion with the Vizir. In other words, he declared that, for the nine preceding years, unjustifiable extortion, to the amount of thirty-four lacs per annum, had been practised on that dependent prince. The relation now established between the Nabob of Oude and the Honourable Company was described by the Governor-General in the following words: "We undertake the defence of his country: in return, he agrees to defray the real expenses incurred by an engagement of so much value to himself: and the internal administration of his affairs is left to his exclusive management."[1]

Among the instructions with which Lord Cornwallis was furnished for his government in India, he carried out with him explicit orders to demand from the Nizam the surrender of the circar of Guntoor. Bazalut Jung had died in 1782; but Nizam Ali retained possession of the circar; and the English had withheld the payment of the peshcush. Upon the arrival of Lord Cornwallis in India, he was deterred from obeying immediately the peremptory orders of his European masters, with regard to the surrender of Guntoor, on account of the advantage which it appeared that a dispute with the Nizam might lend to the ambition of Tippoo, and the apprehension which was entertained of a rupture with France. In the year 1788, however, the prospect of uninterrupted peace with France, the great addition to the English military strength expected in the course of the season, and the general position of the other powers in India, presented the appearance of as favourable an opportunity for making the demand,

[1] See Papers relating to the East Indies, printed by order of the House of Commons of 1806, No. 2, p. 1—14.

BOOK IV. CHAP. III. 1788.

as any which was regarded as sufficiently probable to form a rational basis of action. Immediately after the return of Tippoo from the siege of Mangalore, and the conclusion of his treaty with the English in 1784, he set up against the Nizam a demand for Beejapore. About the same time a dispute arose between Tippoo and the Poona ministers, respecting a part of those acquisitions from the Mahratta territory, which had been made by Hyder, during the Peshwaship of Ragoba. These circumstances, together with the jealousy, if not the fears, which the power and character of Tippoo inspired into these neighbouring chiefs, produced a connexion between them, in consequence of which a junction was formed between a Poona and Hyderabad army, in the beginning of the year 1786. The terms of reprobation in which Englishmen in India were accustomed to speak of the peace of 1784, led the Poona ministers, according to the opinion of Colonel Wilks, to expect that the English would take part in this confederacy against Mysore; and he is not well pleased with Lord Cornwallis, who lost no time in letting them know, that no project of an alliance, or any other measure of an aggressive nature, would be entertained by his nation. After a year of warring, attended by no considerable result, Tippoo and his enemies were both weary of the contest. A peace was concluded, on terms not very favourable to the Sultan, who was alarmed at the progressive accumulation of the instruments of war in the hands of the English; and desirous of an interval to settle his dominions on the coast of Malabar. In these circumstances, Lord Cornwallis was under no apprehension of a union between Tippoo and the Mahrattas: he thought it by no means probable, that, without the prospect of alliance with the French, he would provoke the dangers of an English war: and he concluded with some assurance that, with the support of Tippoo alone, the Nizam would not hazard the dangers of resistance. Still, though not probable, it was by no means impossible, that a connexion subsisted, or might in consequence of this requisition be formed, between the Nizam and Tippoo; which, "no doubt," said the Governor-General, "would bring on a war, calamitous to the Carnatic, and distressing to the Company's affairs." Yet if ever the claim upon

the Guntoor circar was to be enforced, the time was now arrived; and with regard to the result, should war ensue, it was, in the opinion of this ruler, impossible that for one moment a doubt could be entertained.[1]

The resolution being taken, the execution was skilfully planned. Captain Kennaway, a gentleman whose address was supposed well calculated to soften what might appear offensive in his commission, was sent to the court of the Nizam, instructed to employ conciliatory language, and to show the utmost liberality, in regard to every other point respecting which adjustment was required. No intimation was to be given to the Nizam of the proposed demand, till after the arrival of Captain Kennaway at his court. At the same time, instructions were sent to the Residents at the several durbars, of the Peshwa, Sindia, and the Raja of Berar, to give to these powers a full explanation of the proceeding, before intelligence of it could reach them from any other source. The government of Madras, under specious pretences, conveyed a body of troops to the neighbourhood of the circar; and held themselves in readiness to seize the territory before any other power could interpose, either with arms or remonstrance.

Captain Kennaway was yet on his journey to Hyderabad, when the following letter from the Governor-General, dated 3rd of July, 1788, went after him by despatch:—"Sir,—I have this instant received advice from Sir Archibald Campbell, that the Raja of Cherika has actually committed hostilities on the Company's possessions at Tellicherry by order from Tippoo. Sir Archibald appears likewise to be decidedly of opinion, that Tippoo will immediately attack the Raja of Travancore. This may, however, I think, be doubtful. Unless this alarm should be blown over, previous to your arrival at Hyderabad, of which you cannot fail of having certain information, you will, of course, recollect that part of your instructions, and, instead of declaring the real object of your mission, confine yourself to the general expressions of friendship, and assurances of our earnest desire to cultivate a good understanding between the two governments."

[1] Copy of a Letter from Earl Cornwallis to Sir Archibald Campbell, dated Calcutta, 30th of May, 1788. Ordered to be printed, 1792. Wilk's Historical Sketches, ii. 535—559; iii. 36.

BOOK VI. CHAP. III. 1788.

The situation of the Nizam was such, that he regarded himself as having more to hope, and less to apprehend, from a connexion with the English, than with either of the other powers which bordered upon his dominions. Greatly inferior to either the Mahrattas or Tippoo, he was ever in dread of being swallowed up by the one or the other of these formidable neighbours, and was no doubt protected from that destiny by the assistance which, in case of an attack from the one, he was more than likely to receive from the other. An alliance with the English, though disagreeable to both, would not, he concluded, be sufficient, with pretensions irreconcileable as theirs, to unite them for his destruction; while the effect of it would be to lessen his dependence upon both. Under the influence of those views; possibly, too, attaching no great value to the possession of Guntoor, which, under the bad management of his renters, had yielded little revenue, the Nizam manifested an unexpected readiness to comply with the Company's demands; and, without even waiting for a decision upon the other points which were to be adjusted between them, he surrendered the circar in September, 1788. The settlement of the arrears of the peshcush, which the Company had forborne to pay; and the set-off which was constituted by the revenue of the Guntoor circar, from the time of the death of Bazalut Jung, occasioned some difficulty and delay. To remove these difficulties, but more with a view to prevail upon the Governor-General to form with him at least a defensive alliance, which would raise him above his fears from Tippoo and the Mahrattas, he sent his confidential minister to Calcutta. A few amicable conferences sufficed to produce an adjustment of the pecuniary claims. But with regard to the formation of new and more comprehensive ties between the two governments, the English ruler was restrained, by two powerful considerations. In the first place, they were forbidden by the act of parliament. And in the next place, they could not fail to excite the jealousy and displeasure of the Mahrattas, the friendship of whom he was desirous to cultivate.[1]

[1] "As his Highness' political situation with the Mahrattas has long approached almost to a state of dependence upon the Poonah government, we could make no alteration in the terms of our agreement with the Nizam,

The expedient, which suggested itself to the British Indian government, as happily calculated to answer all purposes: was, To profess the continued existence of the old treaty of 1768, in which both the Mysorean and Mahratta governments, as well as the English at home, had so long acquiesced; and to give to the clauses such an extent of meaning as would satisfy the inevitable demands of the Nizam. To the clause in that treaty, by which it was stipulated that English troops, to the amount of two battalions of sepoys, and six pieces of cannon, manned by Europeans, should be lent to the Nabob, were annexed the words, "whenever the necessity of the Company's affairs would permit." It was now agreed that these words[1] should mean: Whenever the Nizam should think proper to apply for them, under one limitation, that they should not be employed against the Company's allies, among whom were enumerated the Mahratta chiefs, the Nabobs of Oude and Arcot, and the Rajas of Travancore and Tanjore. Of the treaty of 1768, one memorable article related to the transfer to the Company of the Carnatic Balaghaut; an article which, if the ancient treaty were binding, still continued in force. The propositions of the Nizam, that measures should now be taken for carrying this engagement into effect, the Governor-General was obliged to elude, by observing that the lapse of time by the alteration of circumstances, had not left that part of the agreement on the same foundation on which it originally stood; and that the English were bound in a treaty of peace with the prince whose territory it actually went to dismember; "but," said his Lordship, "should it hereafter happen that the Company should obtain possession of the country mentioned in these articles, with your Highness's assistance

without its being construed by the Peshwa's ministers as an attempt to detach him from them." Letter of Cornwallis to Secret Committee, 1st of November, 1789. We are informed by Colonel Wilks, that at the same time with this embassy to the English government, the Nizam sent one to Tippoo, to propose an alliance offensive and defensive; whether to supersede the agreement with the English, or as a further security, does not appear. Tippoo proposed the adjunct of a matrimonial connection between the families; but this, not suiting the family pride of the Nizam, broke off the negotiation. Hist. Sketches, iii. 26, 36.

[1] The Governor-General imputes bad faith to those who inserted them, as well as the clause relating to the grant of the Carnatic Balaghaut, and the consequent peshcush: "The sixth and twelfth articles are couched in terms which do not manifest a very sincere intention in the framers of the treaty to perform them." Minute of Governor-General, 10th of July, 1789.

BOOK VI. CHAP. III. they will strictly perform the stipulations in favour of your Highness and the Mahrattas."[1]

1788. "The desire of not offending," says Sir John Malcolm, "against the letter of the act of parliament, would appear on this occasion to have led to a trespass on its spirit. Two treaties had been concluded, subsequently to the treaty of 1768, between Hyder Ali Khan and the British government: and the latter state had concluded a treaty of peace with his son Tippoo Sultaun in 1784; by which it had fully recognised his right of sovereignty to the territories which he possessed. And assuredly under such circumstances, the revival with any modification of an offensive alliance (for such the treaty of 1768 undoubtedly was) could not but alarm that Prince."

Sir John Malcolm proceeds; "Nor was that alarm likely to be dispelled, by that qualification in the engagement which provided that no immediate operation should be undertaken against his dominions, as the expression by which that qualification was followed, showed, that the eventual execution of those articles, which went to divest him of his territories, was not deemed an improbable, or at least an impossible occurrence, by the contracting powers. Another part of this engagement which appeared calculated to excite apprehension in the mind of Tippoo was, the stipulation which regarded the employment of the subsidiary force granted to the Nizam; which was made discretional, with the exception of not acting against some specified Prince and chiefs, among whom he was not included."[2]

Sir John Malcolm wrote under the strongest impression of the hostile designs of Tippoo, and of the wisdom and virtue of Lord Cornwallis, yet he makes the following severe reflection: "that the liberal construction of the restrictions of the act of parliament had, upon this occasion, the effect of making the Governor-General pursue a

[1] Letter, Cornwallis to the Nizam, 7th of July, 1789.

[2] Sir John says further, "that such ideas were entertained by Tippoo, from the moment he heard of the conclusion of this engagement, there cannot be a doubt. It would, indeed, appear by a letter from the Resident at Poonah, that the minister of that Court, considered this engagement *as one of an offensive nature*, against Tippoo Sultaun." Sketch of Political India.—M.

The work here referred to, was published in 1811. It was subsequently enlarged, and printed in 1826, as the Political History of India, from 1784 to 1823.—W.

course, which was, perhaps, not only questionable in point of faith; but which must have been more offensive to Tippoo Sultaun, and more calculated to produce a war with that Prince, than the avowed contract of a defensive engagement, framed for the express and legitimate purpose of limiting his inordinate ambition."[1]

The Raja of Cherika was a petty prince on the Malabar coast, in whose territory was situated the Company's factory at Tellicherry. This prince, with his neighbours, had been subdued by Hyder Ali, and remained a tributary under Tippoo his son. A friendly connexion had long subsisted between the English and the Rajas of Cherika, whom the English were in the habit of accommodating with loans of money and military stores. In 1765, the debt had accumulated to a considerable sum; and the Raja assigned to the Company a territory called Rhandaterrah for security and payment. Among other transactions with the Raja, the English farmed of him, in 1761, the customs of the port of Tellicherry, for which they agreed to pay at the rate of 4200 rupees per annum. Since 1765, accounts had not been adjusted, but the Raja had received additional supplies both of money and stores. About the beginning of the year 1786, the Raja sent a body of men, drove away the English guard, consisting of a serjeant and eight or ten sepoys, and took possession of Rhandaterrah. The government of Bombay directed the chief and factors of Tellicherry to make out the Raja's account, whence it appeared that he was still to a large amount in debt to the Company; and to represent the outrage of which he had been guilty to his master Tippoo; but not by force to attempt the recovery of Rhandaterrah, lest it should bring on a renewal of the war. The Raja, under frivolous pretences, evaded acknowledgment of the account; Tippoo returned for answer that he had commanded the district to be restored; the Raja disavowed the receipt of any such injunction; and produced a letter from Tippoo which merely commanded him to settle his accounts. The

[1] Malcolm's Sketch, ut supra, p. 66—69. See the papers relative to this treaty, laid before Parliament in 1792. To the same purpose, another enlightened Indian Soldier: "It is highly instructive to observe a statesman, justly extolled for moderate and pacific dispositions, thus indirectly violating a law, enacted for the enforcement of these virtues, by entering into a very intelligible offensive alliance." Wilks' Hist. Sketches, iii. 38.

BOOK VI. CHAP. III. 1788.

affair remained in suspense till 1788. Early in that year Tippoo descended the Ghauts, at the head of an army, for the ostensible purpose of taking cognizance of his dominions on the coast. Before his march from Calicut towards Palacatcherry on the 8th of May, he addressed a letter to the English chief at Tellicherry, stating it as the information of the Raja of Cherika, that he had paid his debt to the English, and was entitled to the restitution of his country: upon which the Sultan recommended a settlement of accounts. A letter was soon after received from the Raja, in which he stated the amount for twenty-seven years of rent due on the customs of the port, without making any mention of the much larger sums which the Company charged to his account; and he demanded the immediate payment of a lac of rupees. It was this which alarmed the Governor-General during the journey of his negotiator to Hyderabad; as the apprehension was, that the Raja was instigated by Tippoo; might proceed to hostilities; and involve the government in war.

The territory of the Raja of Travancore commences near the island of Vipeen, at the mouth of the Chinnamangalum river, about twenty miles to the north of Cochin. From this point it extends to the southern extremity of India, bounded on the west by the sea, and on the east by the celebrated chain of mountains which terminate near the southern cape. The situation of this Prince made a connexion between him and the English of importance to both: he was placed at so great a distance, that he had little to apprehend from the encroachments of the Company: his country, which was only separated from their province of Tinivelly by the ridge of mountains, formed a barrier to the invasion of an enemy into that province, and through that province into the Carnatic itself: the support of the Company was necessary to preserve the Raja against the designs of such powerful and rapacious neighbours as Hyder Ali and his son: the productiveness of his dominions enabled him to contribute considerably to the military resources of the English: and, in the last war with Hyder, his co-operation had been sufficiently extensive, to entitle him to be inserted in the Treaty with Tippoo, under the character of an ally.

The descent of Tippoo, with an army, into the western

country, filled the Raja with apprehensions. He was the only prey on that side of the Ghauts, opposite the dominions of Tippoo, which remained undevoured; and the only obstruction to the extension of his dominions from the Mahratta frontier to Cape Comorin; an extension, attended with the highly-coveted advantage of placing him in contact with Tinivelly, the most distant, and most defenceless part of the English possessions in Coromandel. The occurrences which took place between Tippoo and the Raja of Cochin, added greatly to the terror and alarms of the King of Travancore.

There had been a period at which the Raja of Calicut, known by the name of the Zamorin, had endeavoured to subdue the Cochin Raja. At that time the Cochin Raja had received assistance from the Raja of Travancore. The Cochin Raja had continued to need support; and the predecessor of the reigning Prince had made over to his benefactor, the Raja of Travancore, under the title of compensation for expense, two small districts on the northern side of Travancore. Another motive may be supposed to have contributed to this territorial arrangement. Hyder Ali had at the time commenced his inroads on the coast of Malabar; and alarmed the Rajas for their safety. As a means of defence, the Raja of Travancore projected a great wall or barrier, on his northern frontier, to the formation of which the districts in question were of peculiar importance. Though part of the territory of the King of Cochin lay north of the projected line of defence, yet a considerable part, including his capital, was blended with Travancore on the opposite side, and would receive protection by it against the designs of Hyder, no less than the dominions of the Travancore Raja themselves. The works were constructed about twenty-five years previous to the period at which this narrative has arrived. They consisted of a ditch about sixteen feet broad and twenty deep, a strong bamboo hedge, a slight parapet, and good rampart, with bastions on rising grounds, which almost flanked one another. They commenced at the sea, on the island of Vipeen, and extended eastwards, about thirty miles, to the Anamalaiah, or Elephant mountains, a part of the great Indian chain. On the north they were assailable only by regular approaches; but in the case of

such an enemy as Tippoo, rather provoked attack, than afforded any permanent protection.

1789.

Some time after the erection of the lines, Hyder, who was extending his conquests over the Malabar Rajas, carried his arms against the territory of the King of Cochin, at least the part which was without the wall of Travancore; and the King, rather than lose that part of his dominions, consented to become the tributary of Hyder.

The Raja of Cochin waited upon Tippoo, in 1778, at Palacatcherry, whither he had proceeded after leaving Calicut. Upon his return, this Raja reported the substance of his conference with Tippoo to the Raja of Travancore. Tippoo questioned him why his visit had not been earlier; when something useful might have been effected; but now the rainy season was at hand. Tippoo asked, if the delay had been occasioned by the Raja of Travancore. He told the Raja that he should demand back those districts of Cochin, which had been given to the Raja of Travancore, and that he might receive the aid of the Mysore troops to enforce the claim. It was doubtful to the Raja of Travancore whether the report of the King of Cochin was deceitful or true; but it indicated in either case the hostile designs of Tippoo.

The Raja made known his fears to the government of Madras, and requested a company of Sepoys, with an English officer, as a demonstration to the Sultan of the assistance which he might expect to receive. Sir Archibald Campbell, who then presided over the Councils of Madras, not only complied with the Raja's demand, but desired his permission to canton some battalions of the Company's troops along the strong grounds behind the wall. For this service, two battalions of Sepoys, with their proportion of artillery, were soon after sent from Bombay.

The arrival of the rainy season prevented active operations during the remainder of the year 1783, but in the month of May of the following year, Tippoo again descended to the coast, and began with summoning the fort of Cranganore. This, and another place, named Jaycotah,[1] belonged to the Dutch, and were maintained as a species of outwork to their grand settlement at Cochin.

[1] Written Ayacottah, by Col. Wilks.

They were situated close upon the wall of Travancore, at its maritime extremity, and regarded by the Raja as of the utmost importance for the defence of the lines. He prepared himself to join with the Dutch in defending them; he represented to the English not only that Cranganore and Jaycotah were the very key to his country, but that he was bound in a defensive treaty with the Dutch; he, therefore, made earnest application to the English government to grant him that assistance which the present exigency appeared to require.

Mr. Hollond, who was now placed at the head of the Madras government, happened to be very pacifically inclined. He informed the Raja, that, except for the immediate protection of his own dominions, he could not receive assistance from the English; and enjoined him, in a particular manner, to abstain from every act which could raise the jealousy of Tippoo, or afford him a pretext for invading Travancore.

Though Tippoo made several demonstrations, and went so far as to bring heavy guns from Palacatcherry, as if for the reduction of Cranganore, he retired before the middle of May, without commencing the attack; and placed his troops at Palacatcherry and Coimbetore. It was confidently expected that he would return at the end of the monsoon; and that his first operations would be against the possessions of the Dutch. Were these in his hands, Travancore would be an easy conquest; and, in the opinion of the Company's Resident, it would even be difficult, if not impossible, for the English detachment to retreat.

In the meantime, intelligence was received from the Commandant at Tellicherry, that, during the whole of the rains, that settlement had been environed by the troops of Tippoo, and shut up as in a state of rigorous blockade; that a chain of posts had been established surrounding the place, some of them so near, as to be within musket-shot of the lines; that his troops had strict orders, which they rigidly obeyed, to prevent the admission of every article of supply; that his boats were as vigilant for the same purpose by sea, as the troops were by land; and that the necessaries of life had, in consequence, risen to an exorbitant price.

The assurance, conveyed from the Company's governor

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at Madras, that the English would interfere in the defence of no territory but that which immediately belonged to the Raja himself, suggested to the Raja and the Dutch an expedient for realizing the condition on which was made to depend the assistance which they required. A negotiation, which was said to have been pending for two years, was concluded in the beginning of August, for rendering Cranganore and Jaycotah part of the dominions of the Raja; that is, by purchase from the Dutch. Of this transaction, however, the government of Madras disapproved; and they despatched a peremptory command to the Raja, that he should annul the contract, and restore the places to the Dutch.

Tippoo affirmed, that the Dutch had built the fort of Cranganore upon ground which belonged to his tributary and subject, the Raja of Cochin; that the Dutch had even paid rent for that ground, in the same manner as the ryots; and that the purchase and sale of it was the purchase and sale of a part of the kingdom of Mysore.

The Raja asserted the falsehood of the allegations of Tippoo; and remonstrated against the orders which he had received from Madras. The resident and he concurred in representing, and produced documents from the Dutch which proved, that Cochin was one of the early conquests of the Portuguese, and their capital in that part of India; that Cranganore and Jaycotah were their dependencies; that the Rajas of Cochin paid them tribute; that in the year 1654, the Dutch were at war with the Portuguese, and attacked their settlement of Cochin; that they expelled the Portuguese entirely from that part of India, and seized their possessions; that they held no lands of the Raja of Cochin, whom they rather considered as dependent upon them; that the Raja of Cochin had not been a tributary of the Mysore chiefs for more than about twelve years; and considered himself as such for that territory only, for which he paid choute; the territory, namely, which was situated without the wall of Travancore.

On the 23rd of September, the Governor-General made answer to the representations which had been transmitted to him by the Governor in Council of Madras: That, without a hope of assistance from the French, which Tip-

poo at this time could not entertain, he would not, it was probable, desire to draw upon himself the resentment of the Company; that Tippoo was aware, and had indeed been expressly informed, of the certainty with which an attack upon the Travancore Raja, included in the late treaty as an ally of the English, would be followed by war; that the character at the same time of that violent Prince rendered calculation upon his conduct from the rules of prudence somewhat precarious; and that provision should be made, not only for securing the dominions of the Company and their allies, but for obtaining ample satisfaction, in case of any injury which they might be made to sustain. He, therefore, directed that the best mode of assembling the army, and of opposing resistance to an enemy, should be concerted with the commanding officer; that from the moment Tippoo should invade any part of the territory of the Raja of Travancore or Nabob of Arcot, he should be considered as in a state of war; that all payments to the private creditors of the Nabob of Arcot should in that case be suspended; and that even the advances for providing the Company's investment should be withheld. It was well for Lord Cornwallis, that he possessed an influence, which enabled him to take such a license with impunity. The creditors of the Nabob were, as appeared by important consequences, favourites with the Board of Control. And a rich investment, which filled the coffers of the India House, was the principal source of delight to the Court of Directors. A man of less authority would not have dared to offer disappointment to such commanding inclinations. And perhaps it required the brilliant success which crowned the operations of Lord Cornwallis to exempt even his audacity from disagreeable consequences. The efforts made by Mr. Hastings, to prevent a failure in the article of investments, produced the principal errors of his administration, and the great misfortunes of his life.

The Governor-General concluded his letter with the following words; "We sincerely hope and believe that the case will not happen: but should the Carnatic unfortunately be involved in war, you may, in addition to all the means that are in your own power to command, be assured that this government will make the utmost exertions to

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give you effectual assistance, and to terminate, as speedily as possible, a contest that cannot, even if attended with the utmost success, prove advantageous to our affairs in this country."

In the representation first transmitted to Bengal, regarding the transfer of Jaycotah and Cranganore, it appeared as if they did belong to the dependant of Tippoo, and had been alienated without his consent. In this view of the circumstances, Lord Cornwallis condemned the transaction; and confirmed the injunction which had been given by the government of Madras. When it was affirmed, that neither Tippoo, nor his tributary, had any title to the territory, that it had for centuries been the independent possession of Europeans, and more than a hundred years ago had been taken in lawful war from the Portuguese by the Dutch, he thought proper to suspend his decision. He directed that a proposition should be transmitted to Tippoo for a mutual appointment of commissioners to try the point in dispute; and proposed to agree that if the ground was proved to belong to the Raja of Cochin, the transfer should be annulled; if it was proved to belong to the Dutch, the transaction should be confirmed.

Towards the end of October the army of Tippoo was known to be encamped in the neighbourhood of Palgaut; and the Raja was confirmed in his expectation of an attack. On the 14th of December Tippoo arrived at a place about twenty-five miles distant from the boundary of Travancore, and the ravages of his cavalry were carried within a mile of the wall. On the following day a vakeel, a sort of character in which the capacities of a messenger and negociator were compounded, arrived from the camp of the Sultan, bearing a letter to the Raja. It contained the annunciation of Tippoo's demands; that, as the Raja had given protection within his dominions to certain Rajas, and other refractory subjects of the Mysore government, he should deliver them up, and in future abstain from similar offences; 2. That as the Dutch had sold to him that which was not theirs to sell, he should withdraw his troops from Cranganore; 3. That he should demolish that part of his lines which crossed the territory of Cochin, because it belonged to the kingdom of Mysore. The Raja replied; 1. That the Rajas of whose protection the Sultan

complained had obtained an asylum in his country, because they were his relations, at the distance of many years; that no objection to their residence had ever been taken before; that to prove his amicable disposition, they should nevertheless be removed; and that no refractory subject of the Mysore government had ever, with his knowledge, been harboured in Travancore; 2. That the fort and territory which he had purchased from the Dutch belonged to the Dutch, and was in no respect the property of the dependant of Tippoo; 3. That the ground on which he had erected his lines was ceded to him in full sovereignty by the Raja of Cochin before that Raja became tributary to the sovereign of Mysore; and that the lines, existing at the time when he was included in the late treaty between the English and the Sultan, were sanctioned by the silence of that important deed.

On the 24th of December Tippoo encamped at not more than four miles' distance from the lines; began to erect batteries on the 25th; early in the morning of the 29th turned by surprise the right flank of the lines, where no passage was supposed to exist; and introduced a portion of his army within the wall. Before he could reach the gate which he intended to open, and at which he expected to admit the rest of his army, his troops were thrown into confusion by some slight resistance, and fled in disorder, with a heavy slaughter, across the ditch. Tippoo himself was present at the attack, and, not without personal danger, made his escape.

Intelligence of these events was received by the Supreme Govesnment from Madras on the 26th of January; and on the morrow instructions were despatched to that Presidency. The Governor-General expressed his expectation that the Madras rulers had considered Tippoo as at war, from the first moment when they heard of the attack; that they had diligently executed the measures which he had formerly prescribed; and in particular, that all payments to the Nabob's creditors, and all disbursements on the score of investment, had immediately ceased. He added, that his intention was to employ all the resources which were within his reach "to exact a full reparation from Tippoo for this wanton and unprovoked violation of treaty;" that for this purpose endeavours should be em-

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ployed to secure the assistance both of the Mahrattas and of the Nizam; that instructions should be despatched to the goverment of Bombay to attack his possessions on the coast of Malabar; and that in every part of India the army should be increased.

The instructions to the government of Madras were dated on the 27th of January; those to the Resident at the Court of the Nizam were dated on the 28th. The actual commencement of hostilities relieved Cornwallis from all restraint with regard to new connexions; and it was now his part to solicit from the Nizam an alliance, which, a few months before, that Prince would have received as the greatest of favours. The Resident was instructed to expose in the strongest colours the faithless and rapacious character of Tippoo; to raise in the minds of the Nizam and his ministers as high a conception as possible of the advantages of an intimate connexion with the English; to promise him a full participation in the fruits of victory, and a mutual guarantee of their respective dominions, against the ambition and hatred of Tippoo.

The chief difficulty in this negociation arose from the violent apprehensions of the Nizam with respect to the Mahrattas. To such a degree was he impressed with an opinion of the villany of that nation, and of their determination to rob him of his dominions, whenever an opportunity should occur, that he desired the English Resident to inform him, if the Peshwa should invade his kingdom, while his army was absent, co-operating with the English what measures, in that case, the English government would pursue: and he displayed intense reluctance to spare any portion of his forces from his own defence, without an article for the unlimited guarantee of his country. But the Governor-General, who was anxious for the alliance of the Mahrattas, and reckoned them "the people whose friendship was of far the greatest value,"[1] in the contest with Tippoo, was careful not to give umbrage to the Poonah rulers, by appearing to raise a barrier against their ambitious designs.

The instructions to the Resident at Poonah were of the same description; and dated the preceding day. The relation with the Mahrattas, from the conclusion of the

[1] Letter of Gov.-Gen. to the Secret Committee, 1st Nov. 1789.

treaty of Salbhye had been that of general amity; which the Poonah government, with some eagerness and some address, had endeavoured to improve into an engagement for mutual protection against Tippoo. The restrictions however, imposed by act of parliament, had prevented the Governor-General from acceding to their desire; and of that policy he now expressed his opinion. "Some considerable advantages," he said, "have no doubt been experienced by the system of neutrality which the legislature required of the governments in this country: But it has, at the same time, been attended with the unavoidable inconvenience of our being constantly exposed to the necessity of commencing a war, without having previously received the assistance of efficient allies."[1]

The offer of a defensive alliance against Tippoo was now made to the Mahrattas; and they had the advantage of holding themselves up as the party who bestowed the favour, which, a twelvemonth before, they would have been well contented to appear as the party who received. The Indian desire, to make the most of every circumstance in a bargain, and to sell every favour at the highest price, made them higgle and wrangle for advantages, and protract the negotiation to considerable length.[2]

A treaty, however, with the Nizam, and another with the Mahrattas, of which the conditions were nearly the same, were signed, the former on the 4th day of July, the latter on the 1st of June. A triple league was formed, to punish Tippoo for the treachery, of which he was declared to have been guilty to all the contracting parties: The Nizam and Peshwa bound themselves to prosecute vigorously the war with a potent and well-appointed army: The Peshwa received the option of being joined, during the war, by an English force equal to that which served with the Nizam: And the parties jointly engaged, never to make peace, except with mutual consent; to make an equal partition of conquests; and to resist and punish by

[1] Despatch to Mr. Malet, 28th February, 1790.

[2] Captain Grant gives a different representation. According to him, Nana Furnawees no sooner heard of Tippoo's attack on the lines of Travancore, than he made specific proposals to the Governor-General, through Mr. Malet, in name both of his own master and Nizam Ali, which, with a few modifications, were accepted. Hist. Mahr. It is not likely that the Mahratta Government would have made any difficulty as to an alliance against Tippoo, with whom they were in a state of war.—W.

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their combined forces any injury to any of them which Tippoo thereafter might accomplish or attempt.

It was declared by the Governor-General to both the parties with whom he was endeavouring to contract, that the objects were four, at which he should aim by the war: To exact from the enemy indemnification for the expense or loss imposed upon the Company by the war: To make him restore to the Nizam and Peshwa, if they should take part in the conflict, whatever he or his father might have taken from those powers; To wrest from him all that he possessed of the Carnatic Payen Ghaut: And, in consequence of the barbarity which he had exercised on the Nairs of Malabar, to set them free from his dominion. [1]

The gratification of their resentment for the losses inflicted on them by Tippoo and his father; the removal of the terrors with which they were haunted by his ambition and power; the prospect of recovering what they had lost, and of elevating themselves upon his ruin, were powerful aids towards obtaining the alliance of the Nizam and Mahrattas.

While the mind of the Governor-General was thus intensely engaged in preparing the means of war upon the largest scale, a very different spirit prevailed at Madras; and, on the 8th of February, he despatched to that Presidency a letter of complaint and crimination. He charged the President and Council with neglect of duty, and disobedience of orders, in not having made the prescribed provision of draught cattle for the army; in not having suspended the business of the Company's investment; [2] and, after they had received an explicit declaration from the Governor-General in Council, of his determination to protect the Raja of Travancore in his purchase of Cranganore and Jaycotah if those places belonged not to the Raja of Cochin but the Dutch, in their having, in their correspondence with Tippoo and even with the Raja of Travancore and the English Resident in his camp, withheld that declaration, and thereby "discouraged a faithful ally in the defence of his country against an enemy, who

[1] See the despatch to the Resident at Poonah, dated the 22nd of March.

[2] On the point of investment, the Governor-General afterwards retracted his censure, as it was explained, that nothing more had been done than what was necessary to fulfil the contract with the Philippine Company.

was within a few miles of his frontiers, and with the insolence and violence of whose character they had long been fully acquainted."

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To his early decision against the purchase of the two forts, Governor Hollond adhered: On the allegation of the Raja that Sir Archibald Campbell encouraged the purchase, he had replied;[1] "As you received early information of Governor Campbell's departure, it was not acting a friendly part to prosecute negociations of so much importance without communicating their commencement and progress to me, upon my advising you of my succession to the government:" Even after the right of the Dutch appeared to be decidedly proved, still he maintained that the bargain was an offence against Tippoo, not to be justified by the law of nations: because with equal propriety might the Dutch make sale to the French of Sadras and Pulicate, within a few miles of Fort St. George: And lastly, he denied that the importance of the places in question was an adequate compensation for the evils of war.

To these reasonings the Governor-General made the following reply: "In your letter, dated 3rd of January, you thought proper to lay down principles, as being, in your opinion, founded on the law of nations, respecting the Raja and the Dutch, which militate against the spirit of our orders, and which we conceive it was not regularly within your province to discuss, as you are not responsible for the measure directed."

In as far as the government of Madras acted upon their own notions of justice or policy in disobedience to the express orders of those whose commands they had undertaken to obey, they were guilty of a most serious offence; but in laying their opinions and reasons before the governing authority, they practised a virtue, from which the governing authority might derive essential advantage, and merited no insolence of reply.

To their reasonings, at the same time, very strong objections applied: In the two cases, that of Cranganore and Jaycotah, and that of Pulicate and Sadras, the circumstance which constituted the material part of the question, that, on which its decision, if founded on rational principles, would depend, was perfectly reversed. Pulicate

[1] In his letter of the 16th of November.

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and Sadras could not be held by the French, without essentially impairing the security of Madras: Cranganore and Jaycotah were of no importance to the security of Tippoo: and were evidently desired by him, as a means of aggression against the Raja of Travancore. With regard to the value of the places in question, the value, as it had at an early period been, by the Governor-General in Council, declared to the government of Madras, "could not, however great, be opposed to the serious consequences of war; but a tame submission to insult or injury, he was equally convinced, would, in its effects, prove the most fatal policy." This was the question, and the only question; not whether Cranganore and Jaycotah were a compensation for the consequences of war. Scarcely any single injury can ever approach to an equivalent for the expense, which is but a small part of the evils of war; and it is then only when there is a decided probability that the permission of one injury will draw on a second, and after the second, a third, and so on, that the advantages of war can be an equivalent for its evils, and recourse to it the dictate of wisdom. At the moment of action, this is often a question not easy to decide; because there is seldom a rule to guide, and the party who has power in his hand, is prone to over-rate the probabilities of that repetition of injury which forbearance may produce. Whether the forbearance of the English would, on the present occasion, have produced the repetition of injury, it is even now impossible with any assurance to pronounce. But the probabilities were so great, that either the decision of the Governor-General was right, or his error excusable.

After the repulse of Tippoo, on the 29th of December, from the rampart of Travancore, he disavowed the outrage; described it as the unauthorized act of his troops, who had been accidentally provoked to hostility by the people of the Raja; gave assurance that his affections were pacific, and that he had no intention to invade the ancient territories of Travancore; but he repeated his claims, on the score of protection afforded to his refractory subjects, the purchase of Cranganore and Jaycotah, and the erection of works upon the territory of his dependant, the Raja of Cochin.

The persuasion that peace might be preserved with Tippoo, continued in the Madras government as long as Mr. Hollond remained at its head. On the 12th of February, having learned that General Medows, who commanded the Bombay army, was appointed to succeed him, he transmitted by letter to the Governor-General his intention of departing immediately for Europe; and omitted not the opportunity of repeating his conviction, that Tippoo "had no intention to break with the Company, and would be disposed to enter into negotiation for the adjustment of the points in dispute."

In a letter, dated on the 7th of February, in answer to the proposition respecting the examination by commissioners, Tippoo wrote, that since he had examined in person the foundation of the claims, there was nothing which remained for commissioners to perform; but if it were the wish of the English, they might send "one or two trusty persons to the presence, where, having arrived, they might settle the business;" that he wrote from regard to the ties of friendship which subsisted between him and the English, "otherwise the taking of the lines would not be a work of much difficulty or time."

To descend to the measure of sending commissioners to the presence of Tippoo, appeared to the Madras government to import a loss of dignity in the eyes of the Princes of Hindustan; and before intelligence of this proposition, the Governor-General had communicated his sentiments to General Medows, in the following words: "Good policy, as well as a regard to our reputation in this country, requires, that we should not only exact severe reparation from Tippoo: but also, that we should take this opportunity to reduce the power of a Prince, who avows upon every occasion so rancorous an enmity to our nation.—At present we have every prospect of aid from the country powers, whilst he can expect no assistance from France. And if he is suffered to retain his present importance, and to insult and bully all his neighbours, until the French are again in a condition to support him, it would almost certainly leave the seeds of a future dangerous war."[1] In the letter which made answer to that in which the proposal of Tippoo was transmitted to the Governor-General,

[1] Letter dated 8th March, 1790.

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a hope was expressed that the government of Madras had been exerting themselves to the utmost in the business of the war. They were told, that the attack on the lines of Travancore left no further room for deliberation; and that the Company's government could not with honour commence a negotiation with Tippoo, till he offered reparation for such an outrage, much less send commissioners to his presence. Instructed to make no relaxation, while answering his letters, in the vigour of their military operations; they were ordered to inform him, that Cranganore and Jaycotah belonged incontestably to the Dutch; that, as the lines of the Raja were in his possession at the period of the late treaty, his right was thereby recognised; and that the violation of them could not be regarded as accidental, since it was ascertained that the Sultan was upon the spot, and conducted the attack in person.[1]

On the 2nd of March, a skirmish happened, between the troops of the Sultan, and a party of the Raja's people sent to clear away a jungle which stood in front of the lines. On the 6th, Tippoo began to fire on the wall, and completed the erection of five batteries on the 10th. A considerable time was spent in making such an opening in the lines as appeared to him to make it expedient to venture the assault. At last, on the 7th of May, he advanced to the breach with his whole army; when the troops of the Raja were struck with apprehension, and fled in all directions. Having rendered himself master of the lines, he appeared immediately before Cranganore; of which he soon obtained possession. All the northern quarter of Travancore was now seized by the conqueror, who razed the lines, and spread desolation over the country. The necessity, however, of defending his own dominions soon recalled him from his prey. On the 24th of May, he hurried back to his capital, attended by a small body of troops.[2]

[1] Letter to Gen. Medows, Governor in Council, dated 17th March, 1790. The papers laid before Parliament, relative to the commencement of this war, have furnished the materials of the preceding narrative.

[2] Colonel Wilks says, "In plain fact he was unprepared for war." And yet the Colonel supposes, that "he had calculated on possessing every part of Travancore in December, 1789, when the option would have been in his hands of a sudden invasion of the southern provinces at once from Travancore, Dindigul, and Carour; and of being ready, by the time an English army could be assembled, to commence the war with the Caveri as his northern frontier towards Coromandel." Hist. Sketches, iii. 65.

Though he had received a letter from General Medows, dated the 7th of April, declaring, that all his complaints against the Raja of Travancore were unfounded, that his first attack on the lines was a breach of the treaty, and together with his renewal of hostilities, left no room for deliberation, calling for action rather than words; he wrote again, under date the 22nd of May, professing his desire of amity, lamenting the misunderstandings which had occasioned the assemblage of the respective armies, and offering to send a person of dignity to Madras, who might give and receive explanations on the subjects of dispute, and "remove the dust by which the upright mind of the General had been obscured." To this, the following was the answer returned:—"I received yours, and understand its contents. You are a great Prince, and, but for your cruelty to your prisoners, I should add an enlightened one. The English, equally incapable of offering an insult, as of submitting to one, have always looked upon war as declared, from the moment you attacked their ally, the King of Travancore. God does not always give the battle to the strong, nor the race to the swift, but generally success to those whose cause is just.—Upon that we depend."

For conducting the operations of the campaign, it was planned, that General Medows, with the principal part of the Carnatic army, should take possession of the Coimbetore country, and endeavour, through the Gujelhutty pass, to penetrate into the heart of Mysore; that General Abercromby, with the army of Bombay, should reduce the territory of Tippoo on the coast of Malabar, and effect a junction with Medows if events should render it desirable: and that Colonel Kelly should remain, for the security of the Carnatic, with a small army before the passes which led most directly from Mysore.

From the plain of Trichinopoly, where the army had assembled, the General marched on the 15th of June. It was of great importance that Coimbetore, formerly a Rajaship of considerable extent and opulence, should be occupied; both as depriving Tippoo of one principal source of his supplies; and as affording resources to the English army for the remainder of the campaign. It was also necessary, for the subsequent operations against Mysore, that

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a chain of posts should be established from the Coromandel coast to the foot of the pass; and Tanjore, Trichinopoly, Caroor, Erroad, and Sattimungul, were the places of which, for that purpose, selection was made. Having entered the enemy's country, and taken possession of Caroor, the General halted for eighteen days, while he collected provisions and formed a magazine. From Caroor he marched to Daraporam, which he took without opposition, and made a depot. Leaving there a considerable garrison, and all his superfluous baggage, he pushed on to the city of Coimbetore, which he found evacuated.

No enemy had as yet appeared, except some bodies of irregular cavalry, who had made attempts to harass the march. On the day after the army arrived at Coimbetore, the presence was announced of one of Tippoo's ablest captains, with 3000 horse, at the distance of about forty miles. A detachment was sent with directions to surprise them, but returned with only a few prisoners. At the same time, another detachment was employed in the capture of Erroad, which yielded after a trifling resistance.

Dindigul, and Palacatcherry, though not in the adopted line of communication, were fortresses of too much importance to be left with safety in the enemy's hands. A strong detachment, under Colonel Stuart, proceeded to the attack of Dindigul. The garrison was summoned, with a declaration, that, if they surrendered, private property should be respected; if they persisted in a fruitless defence, they should be all put to the sword. The Governor returned the summons by the messenger who brought it: "Inform your commander," said he, verbally, "that I cannot account to my master for the surrender of such a fort as Dindigul: if, therefore, a second messenger comes with a similar errand, I will blow him back again to his comrades, from one of my guns." Batteries were erected; and after a heavy cannonade of two days, an assault was projected on the following night. The breach was imperfect, but ammunition expended. The troops advanced to the attack with their usual gallantry, and made great and persevering efforts to penetrate. The strength, however, of the fortification was still so great, and the defence so vigorously maintained, that they were com-

pelled to retire. It was matter of surprise to the assailants, to behold, at day-break, the flag of surrender displayed on the breach. The garrison, afraid to abide the effects of another assault, had deserted their commander during the night. The same detachment proceeded to the fort of Palacatcherry, which yielded after a short and feeble resistance. And Colonel Floyd was sent against Sattimungul, which he surprised and took without bloodshed.

The first important section of the operations of the campaign was thus completed with happy expedition and ease. The line of communication was established; an enemy's country was obtained for the supply of the troops; and nothing remained but to ascend the Gujelhutty pass, and make Tippoo contend for his throne in the centre of his dominions.

The army was at this time separated into three divisions of nearly equal strength; one with General Medows, whose head quarters was at Coimbetore; one with General Floyd, distant about sixty miles, at the advanced post of Sattimungul, near the bottom of the Gujelhutty pass; and the other with Colonel Stuart at Palacatcherry, about thirty miles in the rear; constituting between the advanced and ultimate positions of the army a distance of ninety miles.

On the 13th of September, in the morning, a reconnoitreing party, sent from the camp of Colonel Floyd, toward the mouth of the pass, was encountered by a body of the enemy; and after a little time the whole army of the Sultan commenced an attack upon the English detachment. The commander was able to choose a position which induced Tippoo to confine his operations to a distant cannonade; which he continued, however, during the whole of the day, and with considerable execution. The descent of Tippoo, by the very pass through which the English meant to ascend, has been represented as a perfect surprise, according to the usual want of intelligence in the English camp. Colonel Wilks, however, affirms, that Floyd had early intelligence of the movements of the Sultan; that he forwarded the intelligence to General Medows with a suggestion, considering the dispersed situation of the army, of the propriety of falling back; that his intelli-

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gence was not credited; and that he had orders to remain.

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A council of war having determined on retreat, the troops had crossed the river in basket boats, and were on the march next morning by eight o'clock, leaving the provisions collected in Sattimungul, and three pieces of cannon, behind. Tippoo found considerable difficulty in getting his army ready for pursuit, and marched at last with only a part of it. Two o'clock arrived before he could bring his infantry into action. He then meditated a decisive blow; but met with great obstructions from the strong hedges with which the ground was enclosed; and, being at last alarmed, by the report that General Medows was at hand, a report of which the English commander dexterously availed himself, he drew off, on the approach of night.

During the action, Colonel Floyd received a despatch, in which he was told that General Medows on the 14th would march for Velladi. This was not on the direct road from Coimbetore to Sattimungul, nor that in which Floyd was retreating, and from the place at which he had arrived to Velladi, was twenty miles. The only chance, however, for saving the army, was to force the junction. He began his march at two o'clock in the morning, and without seeing the enemy, reached Velladi at eight at night, when the troops had been without provisions, and literally fasting, for three days. The General had already passed ten miles in advance of Velladi. He was immediately apprized of the state of the detachment, and next morning retraced his steps. The army then marched back to Coimbetore, where they were joined by the division of Colonel Stuart from Palacatcherry.

The Sultan, disappointed in his expectation of cutting off the dispersed divisions of the English army in detail, now turned his operations against the chain of their depôts. This is described by Colonel Wilks as very imperfect. "Caroor," he says, "could scarcely be deemed a good depôt; Erroad was better qualified to contain than protect stores; and Sattimungul was ill adapted to either purpose." Erroad, from which, in contemplation of what happened, the greater part of the garrison had been withdrawn, capitulated as soon as the enemy appeared. After

emptying the storehouses of Erroad, the Sultan marched in a line directly south, and was followed by the English army, which left Coimbetore on the 29th of September, and in six marches arrived at Erroad. On the day on which the English left Erroad, the Sultan proposed to encamp in a situation about sixteen miles distant, whence he could march, either upon a convoy that was advancing from Caroor, or upon Daraporam, or upon Coimbetore, according to the direction which the English might take. 1790.

The English army came up; and he increased his distance by a nocturnal march. General Medows waited to protect his convoy from Caroor; and the Sultan marched toward Coimbetore. He knew that the field hospital, valuable stores, and the battering train, were left with a very feeble garrison; but after performing a march in that direction, his intelligence, which never failed him, announced the important fact, that Colonel Hartley had just ascended from the Malabar coast, and reinforced Coimbetore. One point of his plan yet remained; he marched rapidly toward the south; found Daraporam miserably provided for defence; carried his approaches to the ditch; and on the 8th of October entered the place by capitulation.

The English General, alarmed by the danger which had threatened the loss of Coimbetore, returned in haste to that grand depôt; which he resolved to render as strong as circumstances would admit.

While he was employed in strengthening Coimbetore, an object of great importance engaged the attention of Tippoo. Colonel Kelly, the officer who commanded the corps of defence before the passes which led more immediately to the Carnatic from Mysore, died, and was succeeded by Colonel Maxwell, toward the end of September. On the 24th of October, in obedience to orders received from General Medows, this corps invaded Baramahl. Of this the Sultan was not long without intelligence. Leaving about one-fourth of his army to watch the motions of General Medows, he marched with the remainder in great haste toward Baramahl. On the 9th of November, several bodies of his light cavalry reached Colonel Maxwell's ground. On the 11th, the Colonel's cavalry, one regiment, allowed themselves, inveigled in pursuit, in a defile, to be attacked by a great superiority of force, and were driven back with

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considerable loss. The Sultan appeared with his whole army on the 12th; and if he had not been baffled by the superior skill of Maxwell, who chose his ground, and made his dispositions, in such a manner, as allowed not the Sultan an opportunity of attacking him, except with the greatest disadvantage, this movement of Tippoo would have been celebrated as a specimen of generalship, not easy to be matched.[1]

After his operations for strengthening Coimbetore, General Medows put the army in motion, to look for the enemy in the direction of Erroad; which he approached on the 2nd of November. A strong corps, sent out under Colonel Floyd, to force an extensive reconnoissance, at last ascertained that the Sultan's whole army had crossed the river several days before, and gone to the northward. The English army crossed, not without difficulty; and began to follow on the 10th. On the 14th they encamped at the southern extremity of the pass of Tapoor. Next day they cleared the pass; and on reaching the ground intended for their encampment on the northern face of the hills, discovered the flags and tents of an army, on the plain, at about six miles' distance, below. Nearly three weeks had elapsed since they had direct intelligence from Colonel Maxwell: they had performed an anxious and laborious march; they hailed with delight the sight of their comrades, and the prospect of a speedy conjunction; and three signal guns were fired to announce their approach. It was the Sultan, who had so completely eluded their observation, and whom they now had in their view.

During three days he had endeavoured, with all his art, to obtain an opportunity of attacking Colonel Maxwell; and had withdrawn, the preceding evening, with a supposition that General Medows would require another day to clear the pass. He immediately removed to a greater distance up the Palicode valley; and General Medows proceeded fifteen miles next morning in the direction of Caveripatam; where the important junction with Maxwell was effected on the following day.

After the disruption of their chain of posts, and the defeat of their original plan for invading Mysore, it was

[1] A detailed account of these operations is given in a letter from Colonel Munro, then serving with the division under Maxwell. Life, i. 102.—W.

not easy for the Sultan to divine what scheme of hostilities the English would afterwards pursue. Concluding, however, that whither he should go, they would follow, he resolved upon carrying the war into their own country, and in such a manner, if possible, as would afford him the means of recovering the places he had lost. Both armies intended to double back by the pass of Tapoor. Both armies arrived at the head of the pass at the same time. Yet the Sultan, only sending back his baggage, and rear guard, contrived to pass through before the English without loss; and never halted till he was opposite the weak but important depôt of Trichonopoly. The English General reached the banks of the Cavery, opposite Caroor, on the 27th of November, and was talking of a plan for calling Tippoo from the Carnatic, by ascending the Caveripatam pass, taking post at the head of the Gujelhutty, opening that of Tambercherry, and preserving his communication with Coimbetore, Palacatcherry, and the other coast, on the execution of which plan he expected to enter by the 8th of December; when he was summoned to the defence of Trichinopoly, by intelligence of what the Sultan had performed.

The English General arrived at Trichinopoly on the 14th of December, where the swelling of the river had contributed to prevent the Sultan from effecting anything by surprise, and confined his mischief to the plunder of the island of Seringham. On the approach of the English army, he proceeded with his usual devastations, latterly exchanged for contributions, northward, through the heart of Coromandel, and approached Tiagar. It was commanded by an officer, Captain Flint, who had already distinguished himself in the wars of the Carnatic and Mysore; and the efforts of Tippoo, who had no time for tedious operations, were defeated. He was more successful, however, at Trinomalee and Permacoil; from which he proceeded to the neighbourhood of Pondicherry, where he had some communication with the French governor and engaged a French gentleman to go upon a mission for 6000 French troops to the King of France. The King of France, it is said, out of compunction, which he strongly expressed, for having aided the Americans in resisting the crown of England, declined compliance, and amused him-

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self "with the shabby finery of Tippoo's presents to himself and the Queen."

The English army followed that of the Sultan as far as Trinomalee. Lord Cornwallis had arrived at Madras on the 12th of December, and directed General Medows to return to the Presidency. From Trinomalee, therefore, the army turned off to Arnee, where the guns and heavy stores were deposited under Colonel Musgrave, the second in command; and the remainder of the army reached the encampment at Vellout, eighteen miles from Madras, on the 27th of January.

On the Malabar side, Colonel Hartley was left, after the Madras troops were withdrawn, with one European regiment and two battalions of Sepoys. Happily the General left by Tippoo gave him the opportunity of a pitched battle on the 10th of December, and, being routed, escaped with the public treasure up the Tambercherry pass.

General Abercromby, the Governor of Bombay, had not been able to take the field till late in the season. He arrived at Tellicherry with a respectable force a few days preceding the battle of Hartley; and on the 14th, appeared before Cannanore, which, after a very short resistance, made an unconditional surrender. As the population was thoroughly disaffected to the government of Mysore, and none of the forts were strong, the task of the English army was little more than that of overrunning the country; and in the space of a few weeks, every place which belonged to Tippoo in Malabar was subdued, and the whole province placed in possession of the English.[1]

During this campaign the Governor-General had been engaged in a transaction of considerable importance with the Nabob of Arcot. When Sir Archibald Campbell arrived at Madras, after the Carnatic revenues, which had been placed under British management by Lord Macartney, had been restored to the Nabob, one of the principal services he was called upon to perform, was, that of effecting a new arrangement with the said master of those revenues. By the memorable arrangement of the Board of Control, the creditors of the Nabob were to receive annually twelve lacs of pagodas. The expense at which the President in Council estimated the peace establish-

[1] For the facts of this campaign, Col. Wilkes is undoubted authority; but for opinions, his partialities deserve to be watched.

ment was twenty-one lacs. It was, therefore, his proposal, that the Nabob, the English Presidency, and the Raja of Tanjore, should each contribute to this expense, in exact proportion to the gross amount of their several and respective revenues. According to this principle, the contingent of the Nabob towards the peace establishment would have amounted to ten [and a half lacs of pagodas. But upon a very pathetic remonstrance, setting forth his inability to sustain so vast a burden, the President was induced to admit an abatement of a lac and a half; and upon this agreement, of nine lacs to the state, and twelve to the creditors, an instrument, which they called a treaty, was signed on the 24th of February, 1787.

Such was the distribution of the revenues appointed for the period of peace. In the period of war, it was agreed that the parties should contribute four-fifths of their respective revenues to the exigencies of the State; the Nabob, however, being allowed to deduct, in the first instance, jaghires to a considerable amount, for the maintenance of his family.

For punctuality of payment, it was arranged, that the following securities should be taken. In case of failure or delay in the contribution for the season of peace, certain districts were named, the aumildars and collectors of which were to make their payments, not to the Nabob, but to receivers appointed by the Company. For securing payment of the four-fifths of the revenues which were to be received by the Company in the season of war, the government of Madras might appoint one or more inspectors of accounts to examine the receipts of the districts; and on failure of payment, they might appoint receivers to obtain the money from the aumildars, in the same manner for the whole country, as had been stipulated in the case of certain districts, on failure of the payment of the subsidy during peace.

Sir Archibald took to himself a high degree of credit for this arrangement. In his letter to the Court of Directors, in which he announced the completion of it,—a letter bearing date the very day on which the treaty was signed, he first announces the pecuniary terms, and thus proceeds: "The care I have taken in securing to the Company the punctual payment of the several sums agreed

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upon, will be sufficiently illustrated by the treaty itself, which I have the honour to enclose. It is therefore only necessary to observe, that this, as well as all the other objects, recommended to me by the Court of Directors, have been minutely attended to in this treaty. The power of the purse and sword is now completely secured to the Company, without lessening the consequence of the Nabob: and I pledge myself that these powers, so long as I have the honour to preside in this government, will be exerted with discretion, and to the utmost of my abilities, to secure the interests, and promote the honour and prosperity, of the India Company. If the articles of this treaty appear satisfactory to you; if they produce, as I trust they will, solid and lasting advantages to the India Company, by the very respectable addition of five lacs of pagodas to their annual receipts, while the Nabob of the Carnatic is happy and pleased with the arrangement, I shall think my labours well bestowed, and feel that I am fully rewarded for all the fatigue and anxiety of mind I have undergone, preparatory to, and during the whole of this negotiation, which I can with truth say, has greatly exceeded any description that I can possibly convey."

Hardly was Sir Archibald more pleased with himself, than he was with the Nabob. "I should not," he says, "discharge my duty to the Honourable Company, were I not to recommend the present state of the Nabob's finances to your most serious consideration. The voluntary grant of so large a proportion of his revenues to the public and private creditors of his Highness, does, in my opinion, infinite honour, and marks his real character. But it ought to be considered, that this grant was made at a time when he thought his proportion for the defence of the Carnatic would not exceed the sum of four lacs of pagodas annually. His contribution for this defence is now extended to nine lacs; and I can easily perceive, that although he has cheerfully agreed to pay for that purpose five lacs of pagodas more than he expected, yet it is from a conviction that such a contribution is indispensable for the general security; and that this venerable Prince would rather subject himself and family to the feelings of difficulty and distress, than be thought backward for a single

moment, in contributing most liberally to any arrangement which might tend effectually to the defence and prosperity of the Carnatic. I have narrowly watched the Nabob's conduct and sentiments since my arrival in this country, and I am ready to declare, that I do not think it possible that any Prince or person on earth, can be more sincerely attached to the prosperity of the Honourable Company than his Highness, or that any one has a higher claim to their favour and liberality."[1]

Of this arrangement in general, the Directors expressed great approbation. Injustice, however, they remarked, had been done to the Raja of Tanjore, and undue favour shown to the Nabob, in one particular: for as the Raja paid an annual tribute to the Nabob, and this had not been deducted from the estimate of the Raja's revenues, and added to that of the revenues of the Nabob, a burden of 50,000 pagodas annually, more than his due, had thus been laid upon the one; a burden of 50,000 pagodas which he ought to bear, had been thus removed from the other. With regard to the abatement which, on the score of inability, had been allowed to the Nabob, in the proportional payments, the Directors expressed a wish, that the indulgence had rather been shown by diminishing the payments exacted for the creditors, than by reducing the annual subsidy. They directed, accordingly, that the payment of ten lacs and a half on that account should still be required, together with the above-mentioned 50,000 pagodas which had been wrongfully charged to the Raja of Tanjore. The regular contingent of the Nabob was therefore established at the sum of eleven lacs; but, in consideration of his poverty, something less would be accepted for a few years.

Before the proposal for a new arrangement, in conformity to these conditions of the Directors, was communicated to the Nabob, his payments had, as usual, fallen in arrear; and in an answer to the importunities of Governor Hollond, he thus expressed himself: "The treaty that was entered into, in the government of Sir Archibald Campbell, I was induced to acceed to, in the fullest hopes that I should obtain possession of Tanjore. I have exerted my-

[1] See a volume of papers on this subject, ordered by the House of Commons to be printed on the 16th of March, 1792.

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self beyond my ability; and exercised every kind of hardship and oppression over the ryots, in collecting money to pay the Company; though, in doing this, I suffer all those pangs which a father feels when he is obliged to oppress and injure his own son. Such is the impoverished state of the country, that it is by no means equal to the burden; and I most sincerely, and with great truth do declare, that I am necessitated to draw the very blood of my ryots to pay my present heavy instalment to the Company." He not only remonstrated with the utmost vehemence against the additional payments which the Directors commanded to be imposed upon him; but he earnestly prayed for relief, even from those which, by the treaty with Sir Archibald Campbell, he had engaged himself to sustain. Nor was it till a period subsequent to the arrival of General Medows, that his consent to the new burdens was obtained.[1]

While the Nabob was pressed on this important subject, he had recourse to an expedient which succeeded so well when employed with Mr. Hastings. He lodged an accusation against the Governor of Madras; and sent a letter privately to the Governor-General, through a subaltern in the Company's army. The grounds of the accusation the Governor-General directed to be examined by a Committee. In regard to the private letter and its bearer, he adopted a line of conduct differing widely from that which, on a similar occasion, had been pursued by Mr. Hastings. "If I had not," said he, in his answer to the Nabob, "believed that the conduct of Lieutenant Cochrane proceeded only from inadvertency, I should have been highly displeased with him for presuming to undertake the delivery of a letter to me of such serious import from your Highness, without the knowledge or sanction of the Madras government; which I am sure, upon a little reflection, your Highness must agree with me, in thinking the only regular and proper channel of communication between us."[2]

When the war broke out, the demands of the English for money became more urgent; the backwardness of the Nabob in his payments continued the same. "After a

[1] See a volume of papers, ut supra, pp. 17, 19, and 50.
[2] Ibid. p. 24.

most attentive consideration of the subject," say the President and Council of Madras, in their political letter, dated the 16th of September, 1790, "we resolved to submit to the supreme government the correspondence which had taken place between our President and the Nabob; and to point out to his Lordship in Council the impolicy of depending for our principal resources, at a time when the greatest exertions were necessary, and pecuniary supplies were of the utmost importance, upon the operations and management of the Nabob's government, of which the system was perhaps as defective and insufficient as any upon earth. And we did not hesitate to declare it as our unqualified opinion, that this government ought, during the war, to take the Nabob's country under their own management, as affording the only means by which the resources to be derived from it could be realized, and the fidelity and attachment of the polygars and tributaries secured, which is of the utmost importance to the successful operations of the war. In the event of his Lordship's agreeing with us in opinion, and instructing us to act in conformity, we submitted to him the necessity of our adopting the measure in so comprehensive a manner, as to preclude any kind of interference on the part of the Nabob, while the country might be under our management; and stating that, if this were not done, the expected advantages could not be derived."

Instead of nine lacs, which it had been found impossible to make the Nabob pay during peace, four-fifths of his whole revenues were payable to the Company during war. But, whereas Sir Archibald Campbell had boasted to the Directors, that the arrangements which he had made, "secured the punctual payment of the sums agreed upon;" the President and Council of Madras affirmed that they were totally inadequate to the securing of payment; and pointing out, what was a strange defect in practical policy, "It might," they say, "have been expected, that the securities for the performance of the war stipulations, which are of such importance, would have been made stronger than those which are provided in the event of failures on the part of his Highness in time of peace. But they are, in fact, less efficient; and the process prescribed for

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failures in time of war is so tedious and complicated, that it can scarce be said to deserve the name of any security or provision whatever." "As to the appointment," they said, "of inspectors of accounts, provided for in the treaty of Sir Archibald Campbell, we think they are so little calculated to have any good effect, that we are not disposed to put the Company to expense on this account; being convinced that, in this country, no power excepting the one which governs, can obtain a true state of Cutcherry accounts."[1]

The Governor-General lost no time in expressing his full conviction of the necessity of assuming the government of the country but recommended that the acquiescence of the Nabob should, if possible, be obtained. The most vehement opposition which it was in the power of the Nabob to make, the Nabob on this occasion displayed. "We cannot say," replied the Madras Council "that the event has surprised us;—for, when it is considered, how many people, attached to the Durbar, are interested in the Nabob's retaining the management of his country in his hands, it will not be a matter of wonder that every effort should be made to prevent his again ceding what in a former instance he had much difficulty in recovering.—We are convinced he will never make a voluntary assignment of his country."[2]

On the 21st of June, the Supreme Government, declaring their "perfect persuasion of the impossibility of obtaining in future the stipulated proportion of the Nabob's revenues, through the medium of his own managers, which also precluded all hopes of being able, by those means, to recover the immense amount of his balance, authorized and directed the Governor and Council of Madras, to take effectual measures to put the Company into immediate possession of the management of his Highness's revenues and country; in order that the total amount of the collections might be applied with fidelity and economy, in the proportions that had been already settled, to defray the exigencies of the war, and to support

[1] Lett. to Gov.-Gen., 1st May, and 7th June, 1790. See a volume of papers ut supra, pp. 91 and 102.

[2] Letter from the Presidency of Madras to the Gov.-Gen. in Council, dated 7th June, 1790. Ibid. p. 103.

his Highness's own family and dignity." Tanjore was included in the same arrangement.[1]

The letter of the Governor-General and Council was continued in the following words: "We sincerely lament, that your endeavours to prevail upon the Nabob, by argument and persuasion, to sacrifice his ideas and private feelings, respecting his own personal dignity and importance, to the real and substantial good of his subjects — and for that purpose to make a voluntary surrender[2] to the Company of the management of his country, during the continuance of the present war, have proved so fruitless and ineffectual. We trust, however, that before long, his Highness will be fully sensible of the interested and criminal motives of the advisers, by whom he has been influenced to resist your solicitations; and that he will soon see, that, whilst his people will be treated with justice and humanity, a liberal fund will be secured for the maintenance of his own family and dignity, and that the remainder of the revenues will be secured from the hands of extortioners and usurers, and honourably applied to the defence and protection of his subjects and dominions."[3]

In reporting upon these transactions to the Court of Directors, the Governor-General drew a picture of the government and circumstances of the Nabob, which is too material to this part of the history, not to be inserted

[1] Letter from the Gov.-Gen. in Council, to the Gov. in Council of Fort St. George. Volume of Papers, p. 114.

[2] "For the real and substantial good of his subjects make a voluntary surrender" of his sovereignty! The Governor-General and his Council could not be simple enough to expect it. Where would he have found a prince, in much more civilized countries, capable of that sacrifice? — "We trust, that before long, his Highness will be fully sensible of the interested and criminal motives of his advisers." What prince is without such interested and criminal advisers? And what can be expected from the advisers of any prince — advisers who, as long as they have the wielding of his power, how destructive soever to the community, gain by its magnitude; would lose by its diminution? — "While his people will be treated with justice and humanity, a liberal fund will be secured for his own family and dignity." If every prince, upon the securing of a liberal fund for his family and dignity, would consent to lose all that portion of his power which obstructs the exercise of humanity and justice to his people, what a different world should we speedily behold! That the doctrine, however, of Lord Cornwallis, so earnestly preached to this Indian prince, and recommended to his acceptance by more effectual means, when preaching would not suffice, was a doctrine which ought to be recommended to princes, few will dispute. But history provides for a just judgment upon Mohammed Ali and his advisers, who certainly deserve no *peculiar* measure of disapprobation for preferring the existence to the annihilation of his power, notwithstanding the claims of humanity and justice, which I fully admit, with respect to his people.

[3] Letter, ut supra, Ibid. p. 117.

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in its original shape. "I was impelled," says he, "to the determination of assuming the revenues of the Carnatic, by the strongest considerations of humanity, justice, and public necessity. The flagrant failure, on the part of the Nabob, in the performance of the stipulations of the treaty with the Company, ought long ago to have awakened the government of Fort St. George to a sense of their public duty; and would, in strictness, at any time, have merited the serious interference of this government. But, at a dangerous juncture, when the resources of Bengal are totally inadequate alone to support the expense of the war into which we have been forced, by one of the most inveterate enemies of his Highness's family, and of the British name, I could not for a moment hesitate in discharging what clearly appeared to me to be the duty of my station—by taking the only measures that could be effectual for securing the proportional assistance, to which we are entitled, from the funds of the Carnatic.—I must likewise observe, that, by executing this resolution, I have every reason to believe, that whilst we provide for the general safety, we, at the same time, greatly promote the interests of humanity. For, by the concurrent accounts that I have received from many quarters, I am perfectly convinced, that, from the Nabob's being unacquainted with the details of business, and, either from an indifference to the distresses of his subjects, or from a total incapacity to superintend and control the conduct of his renters and managers, the most insatiable extortions, and cruel oppressions, are nowhere in India more openly and generally committed, with impunity, upon the mass of the miserable inhabitants, than by his Highness's officers in the internal management of his country. And it will, therefore, not only be felt as a relief, by the body of the people, to be put under the authority of the Company's servants; but we shall probably be able, by mild and just treatment, to conciliate, on this critical occasion, the attachment of the southern Polygars, who, from being harassed by the unreasonable exactions of the Nabob's renters, have almost always been ripe for disturbance and revolt. I trust, likewise, that, in addition to the other advantages that may be expected from the measure of taking the management of the Carnatic into your own

hands, it may tend to break off a connexion between the Durbar and many of your servants—from which nothing but the most baneful effects can result, both to your own and his Highness's interests.—The relation between his Highness and the Company's government; the delusive schemes, into which he has at different times been drawn by the acts of intriguing and interested men, to seek for support in England, against regulations and orders, no less calculated for *his* real good, than for the advantage of the Company; and the ease which Europeans of all descriptions have found, by the vicinity of his residence to Madras, in carrying on an intercourse with him, in defiance of all your prohibitions, have thrown out temptations that have proved irresistible to several of your servants and other persons, not only recently, but during a long period of years, to engage in unjustifiable and usurious transactions with the Durbar. And I believe I may venture to assure you, that it is to these causes, so highly injurious to the Company's interest, and so disgraceful to the national character,[1] that the present state of disorder

[1] *English virtue*—his Lordship is not restrained by the common cry, that an Englishman should never speak of *English virtue* except with praise, from pointing out where English *want of virtue* has been productive of undesirable effects. "I am sensible," says he, "that many individuals, conceiving that they are actuated by the best of motives, will differ from me in the sentiments which I have taken the liberty to offer upon this subject, and I cannot be confident that they will meet with a favourable reception from the nation at large.—The Nabob's age, his long connexion with us, his rights to the possession of the country, and exaggerated accounts of his former services, may furnish topics for popular declamation, and may possibly engage the nation, upon mistaken ideas of humanity, to support a system of cruelty and oppression. But whilst I feel conscious that I am endeavouring to promote the happiness of mankind and the good of my country, I shall give very little weight to such considerations: and should conceive, that I had not performed the duty of the high and responsible office in which you did me the honour to place me, if I did not declare—That the present mixed government cannot prosper; even in the best hands in which your part of it can be placed: and that, unless some such plan as that which I have proposed, should be adopted, the inhabitants of the Carnatic must continue to be wretched; the Nabob must remain an indigent bankrupt; and his country an useless and expensive burden to the Company and to the nation." Ibid. p. 58.—M.

Although it is no doubt true that the cause of the Nabob of Arcot was not unfrequently advocated from motives of self-interest, yet it is unjust to ascribe his defence in every case, to want of virtue in his defenders. Many persons of integrity were at all times ready to take part with him, in consideration of what they conscientiously believed to be his hereditary rights, and his attachment to the English. They were not well apprized of his real situation, and regarded the control which the Madras Government sought to maintain, as usurpation and insult. They believed, also, in his having considerable power, which he might exercise to the disadvantage of the British, and they therefore questioned the policy of exciting his displeasure. These considerations operated even with superior minds in his behalf, and procured him unpaid friends and partisans both in India and in England.—W.

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and ruin, in his Highness's affairs, is principally to be attributed.—It will require much mature consideration to devise means that will be effectual to prevent a repetition of these evils; and, indeed, I must freely own, that I could not venture to propose any plan, on the success of which I could have a firm reliance, unless the Nabob could be induced, by a large annual revenue, to surrender the management of his country for a long term of years to the Company."[1]

For the details of management, the same regulations were adopted which had been devised by Lord Macartney; and the highest testimony was now borne to the wisdom of the plan which he established, and which the Board of Control had overturned. General Medows, as early as the 31st of March, was not restrained from declaring, in his letter of that date to the Court of Directors, "His Highness, the Nabob, is so backward in his payments, and oppressive to his Polygars, whom at this time it is so necessary to have on our side, that I conceive it will be absolutely necessary, upon his first material delay of payment, to take the management of his country into your own hands; a measure, in spite of the opposition made to it, so advantageous to you, the country, and even his Highness himself, when so wisely projected, and ably executed, by Lord Macartney."[2]

This important arrangement was followed by the complete approbation of the Directors,[3] who expressed themselves, even upon the first assignment, procured by Lord Macartney, in the following terms: "If the absolute necessity of recurring to the measure in question were not, in our opinion, to be completely justified upon its own merits, we might recall to our recollection the circumstances of a former period. At the commencement of the preceding war, the Nabob agreed to appropriate the whole of his revenues for its support, and the Company appointed superintendents, or receivers, to collect and receive all the rents, &c., from the Nabob's aumildars. But, whether it arose from the bad system of management

[1] Letter from Lord Cornwallis to the Court of Directors, dated 10th August 1790. Ibid. p. 57, 58.

[2] Ibid. p. 55.

[3] See the vol. of papers on the subject, ordered to be printed by the House of Commons, on the 2nd of April, 1792, p. 5.

in general, or from this double system in particular; or whether there was a predominant influence in the Nabob's Durbar, inimical to the interests of the Company—all of which were repeatedly suggested—the measure did no afford any relief to the Company's finances in the prosecution of the war. Nor, till the country was absolutely made over by a deed of assignment, in December, 1781, did the Company receive a thousand pagodas into their treasure."[1]

Not in exact conformity with the character which had been given of him by Sir Archibald Campbell, the Nabob now practised all the arts which, in the case of Lord Macartney, had been employed to defeat the purposes of the assignment. This time, however, they were practised with inferior success, because they were not, as when employed against Lord Macartney, supported by the superior powers. Even in this case, the Nabob had the boldness to circulate instructions to his aumils, or revenue agents in the country, calculated to prevent co-operation with the English government. The remarks of the Directors upon these proceedings of his are necessary to be known. "Having signified our approbation of the determination of the Bengal government, authorizing you to assume the management of the Nabob's revenues during the continuance of the war, and which seems to have been carried into effect with as much delicacy towards the Nabob, as a circumstance so totally against his inclination would admit of; we are sorry to remark on the nature and tendency of the Nabob's orders to his aumildars. Surely, his Highness must have forgotten, for a moment, the nature of his connexion with the Company, and that he is entirely indebted to their support for the preservation of his country. If the Nabob's professions and actions had not been very much at variance, with what reason could Lieutenant Boisdaun, commanding at Nellore, complain, that the Nabob's managers seemed rather the enemies of the detachment than their friends. We likewise have the mortification to find that his Highness's phousdar and aumildar, at Nellore, absolutely refused to submit to the Company's authority; a resistance, which, say the Board of Revenue, might be expected from the nature of the Nabob's circular orders.

[1] Court's Political Letter to Fort St. George, dated 6th May, 1791.

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We find also that the collector at Trichinopoly was encountering many difficulties, in establishing the Company's authority in the different districts, from the opposition of an armed force; and that so very industrious have the Nabob's sons been in throwing obstacles in the way, that not an account was to be found in any of the village Cutcheries, nor any public servant who could give the smallest information; and that they have been particularly active in disposing of all the grain in the country. We likewise observe, in the intelligence from Tanjore, that the Raja had been recently alienating several villages, and that the repairs of tanks and water-courses had been neglected, that the Company's collectors might not be able to produce much income. Such friends and allies can be looked upon as little better than open and declared enemies. And such a conduct on their part is an ill return for the protection that has been constantly afforded them by the British nation."[1]

The opposition which the English encountered on the part of the people themselves, was naturally created by the course which the English pursued. They professed, that they were to retain the government of the country, only during the war. After one or two years, the business and the power would again be consigned to the Nabob; when those who during that interval had acted agreably to his inclinations would be favoured; those who had conformed to the inclinations of the English collections, therefore, continued far below the amount to which a permanent arrangement might have been expected to bring them.

Hypocrisy was the cause which produced the difficulties resulting to the English from their connexion with the Nabob. They desired to hold him up to the world, as an independent Prince, their ally, when it was necessary they should act as his lord and master. If they succeeded in persuading no other person that he was an independent Prince, they succeeded in persuading himself. And very naturally, on every occasion, he opposed the most strenuous resistance to every scheme of theirs, which had the appearance of invading his authority, If the defence of the country rested with the English; and if they found

[1] Court's Political Letter to Fort St. George, dated 6th May, 1791.

that to govern it through the agency of the Nabob deprived them of its resources, and above all inflicted the most grievous oppression upon the inhabitants; results, the whole of which might have been easily foreseen, without waiting for the bitter fruits of a long experience; they ought from the beginning, if the real substance, not the false colours of the case, are taken for the ground of our decision, to have made the Nabob in appearance, what he had always been in reality, a pensioner of the Company. What may be said in defence of the Company is, that parliament scanned their actions with so much ignorance, as to make them often afraid to pursue their own views of utility, and rather take another course, which would save them from the hostile operation of vulgar prejudices.

CHAPTER IV.

Cornwallis takes the Command.—Second Campaign begins.—Siege of Bangalore.—March to Seringapatam.—Operations of the Bombay Army.—Battle at Arikera between Cornwallis and Tippoo.—Army in Distress for Bullocks and Provisions.—Obliged to return.—Operations of the Mahratta Contingent.—Negociations with Tippoo.—Debate in the House of Commons on the War with Tippoo.—Preparations for a third Campaign.—Reduction of the Fortresses which commanded the Passes into the Carnatic, and threatened the Communications.—Operations of the Nizam's Army, and of the Mahratta Contingent, in the interval between the first and second March upon Seringapatam.—Operations of the Bombay Army.—Operations of Tippoo.—March to Seringapatam.—Intrenched Camp of the Enemy stormed before Seringapatam.—Preparations for the Siege.—Negociations.—Peace.—Subsequent Arrangements.

WHEN the breach with Tippoo first appeared inevitable, the Governor-General formed the design of proceeding to the coast, and of taking upon himself the conduct of the war. He resigned that intention, upon learning that General Medows was appointed Governor of Fort St. George. But he resumed it, when the success of the first

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campaign fell short of his hopes; and on the 17th of November, wrote to the Court of Directors, that, notwithstanding the good conduct, both of the General and the troops, yet, by the irruption of Tippoo into Coimbetore, by the loss of stores and magazines, and by the check given to Colonel Floyd, enough had been effected to impress unfavourably the country powers, and create a danger lest the Mahrattas and the Nizam should incline to a separate peace. That his purpose, therefore, was, to place himself at the head of the army, not with the overweening conceit that he would act more skilfully than General Medows, but from the supposition, that, holding the highest situation in the government, he could act with the greater weight, and at any rate convince the native powers, by his appearance in the field, of the serious determination with which the East India Company had engaged in the war.

The routes to the centre of Tippoo's dominions, that by one of the southern passes, and that by the line of Velore, Amboor, and Bangalore, presented a choice of difficulties: as the route by the southern passes, gave a line of operation, from Madras, the grand source of supply, both very long, and, owing to the weakness of several of the posts, very difficult to defend; and that in the direction of Velore, afforded little in the way of supply for the wants of the army, and demanded the preliminary operation of the siege of Bangalore, one of the strongest places in Mysore, distant ninety miles from Amboor, the nearest depôt of the besieging army. The issue of the preceding campaign contributed probably to determine Lord Cornwallis in the choice of the latter.

Tippoo, summoned from his negotiations in the neighbourhood of Pondicherry, by intelligence of the march of Lord Cornwallis towards Velore, on the 5th of February, ascended rapidly by the passes of Changama and Policode; and was ready to meet the English army in its attempt to penetrate by any of the usual and easiest of the passes. Contriving the appearances of a march toward Amboor, which completely imposed upon the Sultan, Lord Cornwallis turned suddenly to the north, and was at the head of the pass of Mooglee, before it was in the power of the enemy to offer any obstruction to his march. The English army began to move from the head of the pass on the 21st

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of February; and it was the 4th of March before the cavalry of the enemy appeared in considerable force. A mind like that of the Sultan was not very capable of entertaining more than one object at a time. All his military operations were suspended while he was preparing at Pondicherry the means of assistance from the French. When he was frustrated in his hopes of resisting the English in the pass, by their ascent at Mooglee, he was wholly engrossed by the thought of his Harem, left at Bangalore. Dispositions might have been made, to impede his enemy in front, and harass them in the rear, in every possible route. The Sultan, on the other hand, chose to go, in person, at the head of his army, to remove his women and valuables from Bangalore, a service which might have been performed by any of his officers with 500 men; and he allowed the English General to arrive within ten miles of his object, before he had occasion to fire a gun. An intended assault on the baggage on the morning of the 5th was frustrated by a skilful movement of the General: and in the evening the English took up their position before Bangalore, without any loss of stores and only five casualties, after a day's exertion of the whole army of Tippoo.

Next day, as the cavalry, commanded by Colonel Floyd and a brigade of infantry, were performing in the afternoon an observation to the south-west of the fort, they unexpectedly approached the line of encampment, which the Sultan had marked out, and which his army, by a circuitous and undiscovered march, were just beginning to enter. A body of about 1000 horse, all who were not foraging, ordered to check the approach of the English, were the only part of the enemy yet seen by Colonel Floyd; and he moved against them with his cavalry, leaving the infantry in a swampy hollow, with orders there to wait his return. The retreat of Tippoo's horse discovered the rear of his infantry with baggage and guns; the temptation was great; the orders against an enterprise were forgotten; the flying enemy left their guns; the ground became irregular and strong; several charges had been made successfully on the right and the left, when Colonel Floyd advancing to dislodge the largest body of the enemy, received a musket ball, and fell. Though he

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was not mortally wounded, a retreat commenced; orders could not be distinctly communicated; great confusion ensued; but the infantry, which had been left under Major Gowdie, advanced with their guns to an eminence which commanded the line of retreat, and after allowing the cavalry to pass, opened a fire upon the enemy which soon cleared the field. The danger was over, when Lord Cornwallis arrived with a division of the army to the support of the fugitives.[1]

The Pettah, a considerable town, surrounded by a wall and a ditch, was assaulted on the 7th. "Two ladders," says Colonel Wilks, "would probably have saved many lives, but there was not one in camp; and after a long delay in making a practicable opening in the gate, which the troops bore with the greatest steadiness and patience, the place was at length carried." The Sultan, the very same day, made a powerful effort for its recovery. A part of his army endeavoured to gain the attention of the English by a feint to turn their right, while the main body, by a concealed movement, entered the Pettah. Cornwallis had understood the stratagem, and reinforced the Pettah. So long as the struggle was confined to firing, the superiority was on the side of the Sultan; but when the British troops had recourse to the bayonet, they pressed the enemy from one place to another, and after a contest of some duration, drove them out of the town, with a loss of two thousand men.[2] The siege had continued till the 20th of March, the besiegers incessantly threatened by the whole of the enemy's force, the place not only not invested, but relieved at pleasure with fresh troops; when the Sultan, perceiving that operations were approaching to

[1] Colonel Wilks seems inclined to think that had not Floyd been wounded, the attack might have been successful. Munro thinks the check prevented more serious mischief. "Had he not been wounded," he writes, "he would probably have pushed so far on that he never could have extricated himself, for the enemy were strongly posted, and the flower of their cavalry, which was at some distance, was coming on, led by Tippoo." Life, 109.—W.

[2] "The casualties of the English on this day," (says Colonel Wilks, iii. 125) "amounted to 131, but no loss made so deep an impression as that of Lieutenant-Colonel Moorhouse" (he commanded the artillery) "who was killed at the gate. He had risen from the ranks. But nature herself had made him a gentleman. Uneducated, he had made himself a man of science. A career of uninterrupted distinction had commanded general respect; and his amiable character universal attachment. The regret of his general, and the respect of his government, were testified by a monument erected at the public expense in the Church at Madras." This is a generous tribute to singular worth; and deserves remembrance on account of both parties.

maturity for the assault, placed his guns, during a fog, on the 21st, in a situation of some strength, whence he could enfilade and destroy the whole of the trenches, and open sap. The English General struck his camp as soon as he perceived this alarming design, and endeavoured to deter the enemy by threatening a general attack. The guns were removed, but carried back in the evening. And this with other causes determined the English General to overlook all the impediments which yet remained to be removed, and to give the assault on that very night. The intention was concealed from his own army till the last moment; and only communicated to the senior officer of artillery, who employed the intermediate space in perfecting, as far as possible, the breach, and taking off the defences of all the works which commanded it. The ladders were nearly planted before the garrison took the alarm. However carefully the intention of assaulting had been concealed, it was not unknown to the Sultan, who, at night-fall, moved his whole army within a mile and a half of the Mysore gate, warned the garrison of the impending trial, and appointed two heavy corps to fall upon both flanks of the assailants; though such effectual precautions were employed to protect them, as frustrated all his designs. The serious struggle had just begun in the breach, when a narrow circuitous way was discovered, which led a few men to the rampart.[1] They waited coolly till joined by a sufficient number of their comrades to enable them to charge with the bayonet. Till the Kelledar fell, the garrison made a vigorous resistance. The English, as they penetrated, proceeded by alternate companies to the right and left, every where overcoming a respectable opposition, till they met at the opposite gate. The fury which almost always animates soldiers in a storm, when their own safety depends upon the terror they inspire, led to a deplorable carnage. The enemy crowding to escape had choked up the gate; and the bodies of upwards of one thousand men were buried after the assault. The Sultan, when advertized of the attack, sent a large column to reinforce the garrison, which was approaching the Mysore gate, at the

[1] According to Munro, the men ascended the main rampart with very little opposition, for no considerable body of the enemy was formed near the breach. Life, 113.—W.

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moment when the invaders had met above it from the right and left. A few shots from the ramparts apprized them of the catastrophe; and the Sultan, who had shown great timidity during the siege, and availed himself very feebly of his means to annoy the besiegers, and waste their time, remained in a sort of torpid astonishment till the dawn, when he returned to his camp.

Nothing but the blunders of Tippoo appears to have prevented this enterprise from failing. And to the evil consequences of that failure, the limit is not easy to assign. "The forage and grain found in the Pettah," says Colonel Wilks, "had long been consumed; the neighbouring villages had all been effectually destroyed; and the resource of digging for the roots of grass within the limits of the picquets had been so exhausted, that scarcely a fibre remained. The draught and carriage cattle were daily dying by hundreds at their picquets; and those intended for food scarcely furnished the unwholesome means of satisfying hunger. Grain, and every other necessary, including ammunition, were at the lowest ebb."

Such were the circumstances of the British army. "Of raising the siege," says Colonel Wilks, "the most favourable result would have been, the loss of the whole battering train; and a retreat upon the depôts of Coromandel, pressed by all the energy with which such an event could have inspired the Sultan's army."

On the 28th, Lord Cornwallis was able to move from Bangalore, and proceeded in a northern direction, "the cattle reduced to skeletons, and scarcely able to move their own weight." The intention of this movement was to effect a junction with the corps of cavalry, destined for him by the Nizam, his ally. The English and the Sultan crossed each other on the march, when the Sultan declined a rencounter. The forts of Deonhully and Little Balipoor surrendered to Cornwallis without opposition as he passed; and he was joined by the polygars, who paid dearly afterwards to the Sultan for their fault. Intelligence again deserted the English army. After a march of about seventy miles, notwithstanding, in their situation, the unspeakable importance of time, they came to a stand, not knowing what to do; and halted for five days. False information at last induced the General, in despair

of meeting the Nizam's cavalry, to terminate his movement in that direction, and proceed southwards, to meet a convoy advancing by the pass of Amboor. After marching a day in this retrograde direction, he received fresh information, which induced him to trace back his steps; and in two days more he was met by his ally. The force of this ally was nominally 15,000, in reality, 10,000 well-mounted horsemen, who were expected to render good service, in performing the duties of light troops, and extending the command of the army over the resources of the country. The hope of any assistance from them, whatsoever, was almost immediately found to be perfectly groundless. "They soon," says Colonel Wilks, "showed themselves unequal to the protection of their own foragers on ordinary occasions; and, after the lapse of a few days from leaving Bangalore, they never stirred beyond the English picquets, consuming forage and grain, and augmenting distress of every kind, without the slightest return of even apparent utility."[1]

All the means procurable, for the siege of Seringapatam, were now prepared at Bangalore. By the beginning of May, the equipments of the army, except in the article of cattle, were reckoned complete; and beside the motives of economy, and other local advantages attending the termination of the war, Lord Cornwallis, we are informed, was stimulated by a consideration of the French revolution, to a degree of precipitation, of which, in other circumstances, he might not have approved. The apprehensions and jealousy of the Sultan, and some discoveries at this time of treachery, fired him to various acts of cruelty. Before the departure of Lord Cornwallis from Bangalore, he had taken a strong position on the main road to his capital. To avoid this position, and also a road on which the forage had been carefully destroyed, the English General took the route of Caunkanhully; but the Sultan soon found the means of rendering this, also, a march through a desert.

On the 13th of May, the English army reached Arikera, about nine miles from Seringapatam; the failure of the cattle increasing every day, and the followers of the camp

[1] Munro gives a similar account, "the whole of them," he observes, "would not face five hundred of the enemy's horse." Life, 116.—W.

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already in the greatest distress for grain, of which a quantity had been destroyed from want of ability to carry it on.

It had been planned that General Abercromby, with the Bombay army, should ascend the Ghauts from Malabar, and penetrate to the centre of the Sultan's dominions, in co-operation with the main army from the east. With infinite labour, that army had constructed roads, and carried a battering train, with a large supply of provisions and stores, over fifty miles of stupendous mountains; "every separate gun being hoisted over a succession of ascents by ropes and tackle." They had reached Poodicherrum by the first of March. But as Lord Cornwallis was not yet ready to advance, he transmitted instructions to that General to halt; and only after he returned to Bangalore, with the cavalry of the Nizam, sent him orders to advance to Periapatam, a place distant about three marches from Seringapatam.

When the army, led by the Governor-General, arrived at Arikera, the river was already so full, as to render impracticable, or at any rate dangerous, his original plan of crossing at that place. Communication, however, was necessary with the army of Abercromby; and he resolved to the ford of Caniambaddy, eight miles above Seringapatam. The Sultan, in the mean time, not daring to leave his capital to strike a blow at the army descending from the west, and ashamed to let it be invested without a struggle, had mustered resolution for a battle. On the same day on which the English army arrived at Arikera, the enemy took up a strong position about six miles in their front. As the ground for the direct approach of the English army was unfavourable, being a narrow broken space between the river and a ridge of hills, the commander resolved, by a march, which he learned was practicable, to cross, during the night, the ridge of hills on the enemy's right, to turn his left flank before day-light, and gaining his rear, cut off the retreat of the main body of his army to Seringapatam. A dreadful storm disconcerted this well-planned enterprise; by rendering it impossible for the corps to find their way, and proceed in the dark. Lord Cornwallis, however, halting till dawn, resolved to persevere, as he could not repeat his stratagem

after the enemy was apprized; and expected some advantage, by forcing him to an action on other ground than that which he had deliberately chosen.

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"Tippoo Sultaun did not decline the meeting; and the praise," (says Colonel Wilks, who appears to have little pleasure in praising the Sultan, but great in imputing to him all the bad qualities which belong to the most despicable, as well as the most odious, of the human race), "cannot, in justice, be denied to him on this occasion, of seeing his ground, and executing his movements, with a degree of promptitude and judgment, which would have been creditable to any officer." The loss of the English was chiefly sustained during the time necessary to form under the guns of the enemy. For after they were in a condition to advance, the troops of Tippoo did not long maintain their ground; and were pursued till they found refuge under the works of Seringapatam.

So ill were the arrangements of the English taken for procuring intelligence, and so well those of Tippoo for intercepting it, that no information was possessed of General Abercromby, to open communication with whom, it was now resolved to march to Caniambaddy. In this march, lengthened by a circuit to twenty miles, three days were consumed; exhibiting to the enemy, in the battering train, and almost every public cart in the army, dragged by the troops, "conclusive evidence," says Colonel Wilks, "of the utter failure of all the equipments of the English army." Not only were food and carriage wanting; but fatigue, with the rains, which were now almost incessant, and defective unwholesome food, had filled the camp with disease, in which, in addition to other horrors, the small-pox raged with uncommon violence.

Such, in the mind of Lord Cornwallis, was the state of the faculties on which foresight depends, that, after he had brought the army to the extreme point of its line of operations, on the day after his arrival at Caniambaddy, when the official reports of the morning were presented to him, and not before, did he discover, that all this misery, all this loss of lives, and all this enormous expense, were to no purpose; that he could not attempt a single operation, that he must destroy the whole of the battering train, and heavy equipments, and lose no time

BOOK VI. CHAP. IV. in endeavouring, by retreat, to save, if it yet were possible, the army from destruction.

1791. To General Abercromby, of whom as yet no intelligence was obtained, orders were written to return to Malabar. On the same day the appearance of considerable bodies of troops marching, as toward General Abercromby, from Seringapatam, so greatly alarmed the Governor-General, that he sent three brigades across the river, merely to attract the enemy's attention; though it was not improbable that the river would fill, and, precluding return, place them in a situation from which they could hardly expect to escape.

General Abercromby received, not without surprise, the orders to return. They were followed by a similar destruction of the heavy guns and equipments, as that which took place in the army of Cornwallis; except that a part of the guns were buried at the head of the pass. Almost all the cattle lost their lives, and the men their health, in performing back a long and unprovided march at a dreadful season. And the cost of this expedition, in men, in money, and in labour, was added to the loss occasioned by the fruitless march of the army from the east.

On the 26th of May, the army commenced its melancholy return. Before the first six miles were accomplished, a party of horse unexpectedly rode in upon the baggage flank. They were taken for enemies; but proved to be Mahrattas, from whom was received the joyful intelligence of the near approach of two armies, led by two of the Poonah Chiefs, Hurry Punt, and Purseram Bhow.

The tardy arrival of the Mahrattas has been accused, as the cause of the disaster sustained by the British army, and of their disappointment in respect to the capture of Seringapatam. How far it was in the power of the General to have provided himself better with bullocks and provisions, we are without the means of accurate knowledge. That no dependence ought to have been placed upon the punctuality of the Mahrattas, it would be extraordinary, indeed, if there was not, at that time, sufficient experience in his camp to give him full information. Of the campaign of this portion of the confederate force a very brief account must suffice.

The detachment of the British troops, for whose service with the Mahrattas an agreement had been made in the recent treaty, left Bombay on the 20th of May, 1790; disembarked in the Jaigur river; ascended the Ghauts by the Ambah pass; and joined the army of Purseram Bhow, consisting of about 20,000 horse, and 10,000 foot, near the town of Coompta, about fifty miles from the pass, on the 26th of June. They proceeded without resistance till they arrived at Darwar, one of the great barriers of Tippoo's northern frontier, situated some miles south of the river Malpurba, and from Goa eastward about seventy miles. The Mahrattas took ground before the place on the 18th of September; and it was not till the 3rd of April, after a wretched siege of twenty-nine weeks, that it surrendered upon capitulation. The Mahrattas, when battering in breach, aim at no particular spot, but fire at random all over the wall. "From their method of proceeding," says Lieutenant Moore, who was an indignant witness of so much loss of time, "we are convinced they would not, with twenty guns against the present garrison, approach and breach Darwar in seven years. A gun is loaded, and the whole of the people in the battery sit down, talk, and smoke for half an hour, when it is fired, and if it knocks up a great dust, it is thought sufficient; it is reloaded, and the parties resume their smoking and conversation. During two hours in the middle of the day, generally from one to three, a gun is seldom fired on either side, that time being, as it would appear, by mutual consent set apart for meals. In the night the fire from guns is slackened, but musketry is increased on both sides, and shells are sparingly thrown into the fort with tolerable precision."

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The same intelligent officer makes the following remarks. "March the 1st.—Our line is more sickly than it has hitherto been; many officers are ill: and among them our Colonel; whose situation is peculiarly cruel, being the only Company's officer, commanding in the field, set down before a fort of this importance, without a single requisite for reducing it, and subject to the delays, and irksome frivolity, of our tardy allies.—Too much confidence seems to have been placed in their promises of supplies: and it should be a caution, how, again, the success and credit of

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the British arms is suffered to depend upon the punctuality of a country power.—If any can be at all trusted, it certainly is the Mahrattas: but, even with them, it seems a matter of little moment to what extent their promises are made. And although, at the time, they may have no intention of breaking them, it is to be understood that failure is no discredit: nor must punctuality be expected any further than their own views are forwarded by observing it."

"March the 13th.—We were this morning," continues Mr. Moore, "much surprised to hear of the death of our much respected Colonel; for none but the medical gentlemen had any idea of its being so near. Actuated by the ardour of a soldier, his enterprising spirit could not brook the procrastination to which he was obliged to submit: and, losing, with the unsuccessful attempt of the 7th of February, all expectation of an honourable conquest of the fort, he had from that time been on the decline. No event could have been more acute to his detachment, for with them he was universally beloved; nor could the Bombay army, of which he was at the head, have sustained a severer loss."[1] Colonel Frederick, such was the name of this meritorious officer, was succeeded by Major Sartorius, in the command of the detachment; and by Captain Little, when that officer returned to Bombay, after the surrender of Darwar.

The original garrison was estimated at 10,000 men; but from the numbers which were sent away after the Pettah was taken, and the desertions and casualties during the siege, it was at last reduced to 3000. To have placed Darwar in blockade, nothing less than an army would have sufficed; and the capture was necessary to secure the Mahratta communications. Had it fallen earlier, the Mahratta army would have been employed in ravaging Tippoo's dominions, and cutting off supplies from the country to the north.

The Bhow's army, after leaving Darwar, proceeded by easy marches to the Toombudra, and had subdued the little resistance opposed to them at all the forts which protected the possessions of Tippoo north of that river,

[1] Moore's Narrative of the Operations of Captain Little's Detachment p. 30, 32.

early in May. Lord Cornwallis had written to Poona that he expected to be joined by this chief at Seringapatam: and as soon as the Bhow obtained intelligence of the arrival of the English at Seringapatam, he proceeded towards them with all the expedition in his power. And as he approached, he was joined by Hurry Punt, who had advanced by a more easterly route through Gooty, Raidroog, and Sera, recovering, in that direction, the conquests made upon the Mahrattas by Hyder and his son; and on the 28th of May, the interview between them and the British commander took place. At this period the army of the Bhow was estimated at 20,000, that of Hurry Punt at 12,000, horse and foot.[1]

But the Mahrattas, now when they had arrived, were unable to keep the field, or at least persuaded Lord Cornwallis that they were unable, unless they received from the English pecuniary support. He agreed to advance to them a loan of twelve lacs of rupees; and, in order to obtain the money, had recourse to one of those bold expedients which would have proved the ruin of any of his less protected predecessors. From his camp, near Ootradroog, on the 21st of June, he wrote to the Governor and Council of Madras, to take the treasure out of the China ships, and coining it into rupees, to send it to him with the utmost possible despatch.[2]

Tippoo announced to his own people the battle on the 15th as a victory, the effect of which had been to make the English destroy their battering train, and force them to retreat, and on the 26th, he ordered a salute to be fired from the fort. In the meantime, certain communications had taken place between him and Lord Cornwallis on the subject of peace. So early as the 18th of February a letter from the Sultan, dated the 13th, was received at Muglee, proposing to send or receive an ambassador. Lord Cornwallis replied on the 23rd, that as the infraction of the treaty was on the part of the Sultan, it was necessary to know whether he was prepared to make reparation. On the 3rd of March an answer arrived, in which the Sultan

[1] This is the statement of Major Dirom, who was Deputy Adjutant-General of his Majesty's forces in India, and with the army at the time. Lieutenant Moore thinks that the army of the Bhow is thus considerably under-rated.

[2] Papers (No. 4) ordered by the House of Commons to be printed, 16th February, 1792.

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endeavoured to show, that the conduct of the Raja of Travancore justified the attack upon his lines; at the same time disclaiming all idea of insult to the British government; and expressing a wish for negotiation. To this he received no reply. On the 27th of March the Sultan despatched another letter, offering directly to send an ambassador. Lord Cornwallis declined receiving an ambassador, on the ground of his not as yet having with him any persons qualified to treat on the part of his allies; but if the Sultan would send his propositions in writing, he would transmit them to those allies, and return an answer. On the 17th of May, when Lord Cornwallis released the wounded prisoners after the action of Arikera, Tippoo renewed the proposal of negotiation. Lord Cornwallis, having persons now with him, on the part of the Mahrattas and the Nizam, answered, on the 19th, that if the Sultan would state his propositions in writing, commissioners might be chosen to meet; and that he would consent to a cessation of hostilities, if it were the Sultan's desire. On the 24th, when Lord Cornwallis was at Caniambaddy, had destroyed his battering train, and sent three brigades across the river, Tippoo answered. He took no notice of the proposition for a cessation of hostilities, and only urged anew the propriety of mutually appointing confidential persons to discuss. Lord Cornwallis now departed from the point of written propositions, on which he had hitherto insisted, as an indispensable preliminary, and proposed that the allies should send deputies to Bangalore. On the 27th, when this letter was not yet answered, and the army, now joined by the Mahrattas, was advancing in view of Seringapatam, a present of fruit was sent to Lord Cornwallis, accompanied by a letter from the Sultan's secretary to the Persian interpreter. This was regarded as a contrivance to sow jealousy between the English and their allies: and the present was returned.[1]

[1] The passion with which soldiers are averted from peace is a phenomenon awfully interesting. The arrival of these presents indicated a good understanding; which, if it existed, might be supposed to exist, on grounds deemed more favourable to the nation than war. "It will be difficult," says Colonel Wilks, "for the reader to conceive the intense delight with which, on the ensuing morning, the whole army beheld the loads of fruit untouched, and the camel unaccepted, returning to Seringapatam." The fact is, that the English in India, at that time, had been worked up into a mixture of fury and rage against Tippoo, more resembling the passion of savages against their enemy, in fact more resembling his passion towards them, than the feelings with which a civilized nation regards the worst of its foes.

On the 29th Tippoo replied; and after some prolix and vague explanations, recommended that Lord Cornwallis should return to the frontier, and then act as his last letter proposed.

With the Mahratta army, provisions and draught cattle arrived; though these allies, knowing well the situation of the English army, would part with nothing at a moderate price. The loss, however, of the battering train, the return of General Abercromby, and the state of the season, forbidding the siege of Seringapatam; the combined army, having resolved upon falling back to Bangalore, proceeded on the 6th of June, in a northern direction to Naugmungul, and thence eastward to the river Madoor, which they crossed on the 19th of the same month. While encamped on the eastern bank of this river, a detachment of the English army went forward to summon and threaten Hoolydroog; a hill fort, six miles east from the pass of the river, too strong to have been taken, had the courage of the garrison allowed them to defend it; but they dreaded resistance to European soldiers, and agreed to surrender, upon condition of security to themselves and their private property. A provision was found in it of sheep, cattle, and grain; a seasonable relief to the army: and the fort was destroyed, as neither the English nor the Mahrattas thought it worth retaining. The fortresses of Ootradroog, and Savendroog, were likewise summoned during the march, but without effect; and in present circumstances, it was not expedient to attempt their reduction.

The combined army arrived in the neighbourhood of Bangalore early in July; and were exhilarated by several articles of agreeable intelligence.

To supply the demand of the army for draught bullocks and rice, the following were the plans which, upon the discovery of that deficiency which occasioned the retreat, were adopted. The trade of corn in India is carried on in a mode peculiar to that country. The merchants in corn are a peculiar caste, denoted by the term Brinjarries. They traverse the country, conveying the grain, often from the greatest distances, in large bodies, which resemble the march of an army. They encamp with regularity, never lodging in houses; are strongly armed; and ready to fight

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no contemptible battle in their own defence. The practice comes down from a remote antiquity; and marks that unsettled and barbarous state of society, when merchants are obliged to depend upon themselves for the means of their defence. The experienced utility of their services has procured them considerable privileges. They are regarded as neutral in all wars; they enjoy a right of transit through all countries; and the armies, which spare nothing else, act under a species of obligation, seldom violated, of respecting the property of the Brinjarries. One of the officers of the Company, Captain Alexander Read, well acquainted with the language and customs of the natives, suggested to the Commander-in-Chief the expedient of availing himself of the extensive resources of the Brinjarries. It was resolved, in consequence, that encouragement should be held out to them, to resort with their cargoes to the English camp. Captain Read was employed to circulate intelligence; and before the arrival of the army he had collected more than ten thousand bullock-loads of grain.

For the supply of bullocks, nearly forty thousand of which had been lost in the last campaign, Lord Cornwallis, beside the contractors, employed agents to purchase them on the part of the government, and directed the same to be done at Madras. As a relief to the exigencies of this department, he also made an agreement with the officers, to carry and provide their own tents for a monthly allowance, during the remainder of the war, and a similar arrangement with the officers commanding battalions of sepoys, for the tents of their corps, and the carriage of their ammunition and stores. Upon the arrival of the army at Bangalore, it was found that success had attended those exertions, and that 100 elephants from Bengal had arrived at Velore.

The army had the further satisfaction of learning that Gunjcotah, which had been for some time besieged by the Nizam's troops, including the British detachment, surrendered on the 12th of June, and had given a valuable country to that ally.

The intelligence also from Europe was exhilarating, to an army keen for the continuance of the war. On the 22nd of December, 1790, Mr. Hippesly, in the House of

Commons, had called in question the justice and policy of the war; had affirmed that the Raja of Travancore was the aggressor, by his lines on the Cochin territory, and his purchase from the Dutch; that the Mahrattas were the people from whom in India the greatest danger impended over the interests of England, and that the Mysore sovereign was valuable as a balancing power; that the resources and genius of Tippoo rendered a war against him an undertaking of no common difficulty and hazard; and that the finances of the Company, feeble and exhausted as they were acknowledged to be, could ill endure the burden of an expensive war. Mr. Francis and Mr. Fox repeated and enforced the same considerations.

On the 28th of February, Mr. Hippesly renewed the discussion, when the alliance concluded with the Nizam and Mahrattas, afforded a new topic. He complained that, in those treaties, though made ostensibly on account of the attack on Travancore, the Raja was not mentioned. The cause, however, of the Raja was included in that of the English; and the interposition of such a people as the Mahrattas and the Nizam, in any shape, between the English and their allies, was incapable on almost any occasion of conducing to good, far from incapable on many occasions of conducing to evil.

Mr. Fox assailed the alliance in a tone of vehement reprobation. He denounced it a plundering confederacy for the purpose of extirpating a lawful Prince. He said, that when the progress of civilization had rendered men ashamed of offensive alliances in Europe, we had signalized our virtue by renewing them in India. He described the family compact of the House of Bourbon, as the last of those odious leagues which had disgraced the policy of civilized Europe. As soon as a better order of things in France arose, it dissolved, he said, that wretched engagement, and put an end, he hoped for ever, to those expedients of wicked governments in a barbarous age.

In reply to these accusations, circumstances were presented to show; that the war in the first place was defensive; in the next place necessary to deter an insatiable enemy from perpetual encroachments; and lastly, politic, as affording every prospect of a favourable termination. And on the 22nd of March, Mr. Dundas moved

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three resolutions, which passed without a division, declaring that Tippoo had broken the treaty by his attack on the lines of Travancore, and that Lord Cornwallis deserved approbation, as well for his determination to prosecute the war, as for the treaties he had formed with the Nizam and Mahrattas. The favour manifested to the war in England, was by no means confined to empty praise. The Company resolved to send out 500,000*l.* in specie: an augmentation was voted to the establishment of the King's regiments in India: another detachment of the royal artillery was destined for the same purpose: the Company exerted themselves to send out recruits: and all these reinforcements and supplies, the General was given to understand he might receive by the ships of the season.

It was necessary for the facility of subsistence, and certain preparatory operations, that the allied armies should separate during the inactive season. The Bhow, with the detachment of Captain Little, shaped his course toward Sera. The greater part of the Nizam's horse went to join the rest of the Nizam's army. Hurry Punt, with the English, remained at Bangalore. Tippoo, it was supposed, would not dare to make an advance against any of these detached armies, for fear of being intercepted in his retreat.

The Policade pass afforded the easiest communication with the Carnatic; and one of the most commodious issues for the sudden incursions of the enemy. It was commanded by several forts, of which Oossoor and Rayacottah were the chief. With four heavy iron guns, which had not been carried to Seringapatam, and four iron twelve-pounders, which had been kept for field service, when the heavier guns were destroyed, the army, on the 15th of July, began to move towards Oossoor. Tippoo had lately made exertions to improve the defences of this important place; fortunately they were not so far advanced as to render it tenable in the opinion of its defenders; and, upon the approach of the English, they made a precipitate retreat. From Oossoor, left with a strong garrison, a brigade of the army, under Major Gowdie, proceeded against Rayacottah; which consisted of two forts, one at the bottom, the other at the top, of a

stupendous rock. They carried the first by assault, and, pursuing the fugitives, got possession of two walls, which formed a rampart between the higher and lower fort. The place, if well defended, was too strong by nature to be reduced; and Major Gowdie had instructions to return, if it was not surrendered upon the first attack. As the lodgment, however, which he had effected on the hill, covered the troops from the fire of the upper fort, and he believed the enemy intimidated, he begged permission to persevere. The daring conduct of the assailants, with aid from the main army, soon produced the desired effect upon the mind of the Kelledar; and, on condition of security to private property, and leave to reside with his family in the Carnatic, he surrendered this "lofty and spacious fort, so strong and complete in all respects, that it ought to have yielded only to famine and a tedious blockade."[1] The rest of the forts by which the pass was defended, either obeyed the summons, or made a feeble resistance. The convoy which had reached Amboor, on its way from Madras, received directions to proceed by the newly-opened route, and the army remained in the neighbourhood of Oossoor to cover its march. One hundred elephants, all loaded with treasure, marching two a-breast, with the British standard displayed; 6000 bullocks with rice; 100 carts, with arrack; and several hundreds of coolies, with other supplies, entered the camp on the 10th of August — a convoy to which nothing similar had ever joined a British army on Indian ground.

While the army remained at Oossoor, a vakeel, commissioned to treat with all the allies conjointly, was sent by Tippoo. Lord Cornwallis consented, it seems, to receive him, "at the warm instances of Hurry Punt;" little expecting that Tippoo would yet submit to the terms he was disposed to require, but desirous of avoiding every appearance which might be thought to indicate a disinclination to peace. Upon a point of form, the ambassador being directed to treat only with principals, and Lord Cornwallis declining to treat with an agent, and upon the surmise that the object of Tippoo was intrigue, and the consumption of time, the messenger was sent back

[1] The words of Major Dirom.

BOOK VI. CHAP. IV. to his master, without being permitted to enter the camp.[1]

1791. Between Bangalore and Goorumconda lay some hill-forts, which interrupted the communication with the Nizam's army, and rendered it difficult to receive supplies from the country to the north. The brigade of Major Gowdie was again in requisition. The only fortress which made any considerable resistance was Nundydroog, before which the Major arrived on the 22nd of September, with a force consisting of one regiment of Europeans, six battalions of sepoys, six battering guns, and four mortars. The fort was situated on the summit of a mountain, about one thousand seven hundred feet in height, of which three-fourths of the circumference was absolutely inaccessible, and the only part which could be ascended, was guarded by two excellent walls, and by an outwork which covered the gateway and yielded a flank fire. A road was cut, and the guns dragged, with infinite difficulty, to the top of an adjacent hill; but there, after a battery was erected, the guns were found to be too distant even to take off the defences of the fort. No alternative remained, but either to work up the face of the principal hill, or lose the advantage of the impression struck on the minds of the enemy's garrisons, who believed that no strength, either of nature or of art, was sufficient to protect them against an English attack. The exertions demanded were excessive. Without the strength and sagacity of the elephants, the steepness of the ascent would have rendered it impossible to carry up the guns. Fortunately, the shot of the fort, from a height so nearly perpendicular, seldom took effect; but the men were severely galled by the ginjall, a species of wall pieces, which threw with precision, to a great distance, a ball of considerable size.

Batteries were erected after a labour of fourteen days;

[1] On this occasion, as well as on that of the overture on the 27th of May, Major Dirom is careful to mention the joy which pervaded the army when the overture was rejected.—It is another among the many proofs of a most remarkable fact, that whole masses of men are capable of desiring the death of thousands of their fellow-creatures, at once, simply for their own profit. Had the negotiation proceeded, and been productive of peace, it might have been supposed, by an army which had confidence in Lord Cornwallis, that the peace, which he deliberately approved, was better for their country than war. *Better for their country.*—Yes. But not better for them, because it precluded the acquisition of plunder, promotion, and glory.

and in a short time two breaches were effected, one on the re-entering angle of the out-work, the other in the curtain of the outer wall; while the inner wall, at the distance of eighty yards, could not be reached by the shot. The Governor still refused to surrender, and the British commander made an offer, which it is pleasing to record, to send out the women, and other persons not bearing arms, that they might not suffer in the storm. The breaches being reported practicable to the Commander-in-Chief, he detached the flank companies of the 36th and 71st regiments to lead the assault; and General Medows, who, though superseded in the chief command, had seconded every operation of the war with an ardour and fidelity which did him the highest honour, offered to conduct the perilous enterprise. It was determined to storm the breaches, to attempt the inner wall by escalade, and, if this should fail, to make a lodgment behind a cavalier between the walls, and thence proceed by regular attack. A trench which had been dug within a hundred yards of the wall, was formed into an advanced parallel, and the flank companies were lodged in it before day-break. At midnight, the orders were given, when the men moved out from the right and left of the parallel, and rushed to the assault.[1]

The fort was instantly illuminated with blue lights; a heavy fire was opened; and large stones were rolled down the hill. The fire was ill-directed; but the stones rushing down the precipice were extremely formidable, and had considerable effect. Both the breaches were quickly mounted; and the storming party penetrated with such rapidity, that time was not allowed for barricading completely the gate of the inner wall, and, after some difficulty, it was fortunately opened. The meritorious exertions of Captain Robertson, who led the grenadier companies to the breach in the curtain, prevented the carnage which so often attends the capture of places by assault; and of the whole garrison, about forty only were killed and wounded. The storming party had two men killed and

[1] When the hour was approaching, some person said, in the hearing of the troops, that a mine was reported to be near the breach. General Medows, anticipating the effect upon their minds, cried aloud, "If there be a mine, it is a mine of gold."

BOOK VI. CHAP. IV. twenty-eight wounded, the latter chiefly by the stones descending the hill.

1791. By this time the ships of the season had brought out the expected reinforcements, money, and military stores, with 300 troops from St. Helena, who, coming a shorter voyage, and seasoned to a warm climate, arrived in perfect health. The powers of the several Presidencies had been strained to the utmost to make provision for the war. The preparations were upon a great scale; and now in a high state of perfection. From Nundydroog, the army moved toward the passes, for the protection of the convoys proceeding from Madras: while a detachment, commanded by Col. Maxwell, was sent to clear the Baramahal valley, in which, and the adjoining districts, a party of the enemy were effecting depredations.

The principal protection of this predatory party was Penagra, a strong mud fort at the south end of the valley. By forced marches, the detachment arrived before it on the 31st of October. A flag of truce, sent to summon, was invited to advance, by signs from the wall, and then repeatedly fired upon. The wall was scaled; and the enemy hung out the flag for quarter in the middle of the assault. It was too late: the troops had closed with them; and out of 300 men who composed the garrison, 150 were slain. Of the captors, seven alone were slightly wounded.

The detachment returned, and encamped within a few miles of Kistnaghery. This was another of those stupendous rocks, or rather insulated mountains, which form the strongholds of India, and one which yielded to few of them in natural strength. Although it was not supposed that the reduction of the upper fort was an undertaking to which the detachment was equal, it was of importance, in order, as much as possible, to cut off whatever afforded cover to the predatory incursions of the enemy, to destroy the Pettah, and the works at the bottom of the hill. They were attacked under cover of the night; and the troops escalading the walls, got possession of them without much resistance. The ardour of the assailants made them conceive the hope of entering the upper fort with the fugitives. They rushed up with such rapidity, that, notwithstanding the length and steepness of the ascent,

the enemy had barely time to shut the gate; a standard of the regulars was taken on the very steps of the gateway, and had the ladders been up at this critical moment, it is probable that the walls would have been escaladed. The enemy had time to begin their operation of rolling down enormous stones, which, descending in vast quatities, crushed, at once, the ladders and the men. During two hours the strongest exertions were made to get the ladders up the small part of the road which was most exposed to the stones. But a clear moonlight discovered every motion; and, when most of the ladders were broken and the troops had severely suffered, Colonel Maxwell was compelled to put an end to the attempt. After this, having reduced several petty forts, he rejoined the army.

Between Bangalore and Seringapatam, lies a tract of hills, thickly covered with wood, extending from the vicinity of Bangalore to the river Madoor. This difficult country, which of itself formed a strong barrier to the capital of Mysore, was studded with forts, of which some, particularly Savendroog, was of extraordinary strength. It offered such advantages to the enemy, for interrupting the communication with Bangalore, when the army should advance to Seringapatam, that the Brinjarries, who engaged for large quantities of grain at Bangalore, would not undertake to supply it beyond Savendroog, if that fortress remained in the enemy's hands. Lord Cornwallis was now provided with his battering train; and resolved, while delayed by the Mahrattas, and waiting for the last of the convoys, to make an effort to gain possession of this important but formidable post.

It is a vast mountain of rock, computed to rise above half a mile in perpendicular height, from a base of eight or ten miles in circumference, surrounded by a close forest or jungle, several miles in depth, having its natural impenetrability heightened by thickets of planted bamboos. A narrow path, cut through the jungle, in a winding direction, and defended by barriers, served as the only approach to the fort. The natural strength of the mountain had been increased by enormous walls and barriers, which defended every accessible point. And to these advantages was added the division of the mountain, by a

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great chasm, into two parts at the top, on each of which was erected a citadel; the one affording a secure retreat, though the other were taken; and by that means doubling the labour of reduction.

Lieutenant-Colonel Stuart, employed during the first campaign in reducing Dindegul and Palacatcherry, was destined to command at the siege of Savendroog. On the 10th of December, he encamped within three miles of that side of the rock from which it was proposed to carry on the attack; while the Commander-in-Chief made that disposition of the rest of the army, which seemed best adapted to cover the besiegers, and secure the convoy.

The first labour was immense, that of cutting a way through the powerful jungle, and transporting heavy guns over the rocks and hills which intervened.

The closeness of the surrounding hills and woods had rendered this fortress as remarkable for its noxious atmosphere as its strength. Its name signified literally the rock of death. And the Sultan congratulated his army upon the siege; at which one half, he said, of the English army would be destroyed by sickness, the other by the sword. The confidence of the garrison in the strength of the place had this good effect, that it made them regard the approach of the besiegers as of little importance; and they were allowed to erect their batteries without any further opposition than the fire of the fort.

Within three days after the opening of the batteries the breach was practicable. The jungle was now of advantage; for growing close up to the very wall, the troops were able to scramble up unseen, by the crevices and rugged parts of the rock, and made a lodgement within twenty yards of the breach. The 21st of December was the day chosen for the assault; and Lord Cornwallis and General Medows arrived to witness the terrible scene. The grenadiers of the 52nd, and flank companies of the 76th regiment, led by Captain Gage, were to gain the eastern summit; Captain Monson, with the light company of the 52nd, was to scour the works on the western; the flank companies of the 71st, under Captains Lindsay and Robertson, were to engage whatever works or parties might be found in the chasm between; the 52nd and 72nd regiments to follow the flank companies; and parties,

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under Colonel Baird and Major Petrie, were to proceed round the mountain, for the purpose of attracting the attention of the enemy, and preventing escape.

At an hour before noon, on a signal of two guns from the batteries, the flank companies advanced to the breach and mounted, while the band of the 52nd regiment played *Britons strike home.* The enemy, who had descended for the defence of the breach, when they beheld the Europeans advancing, were seized with a panic; and Captain Gage had little difficulty in carrying the eastern top. The danger was, lest the flying enemy should gain the western summit, which, from the steepness of the approach, and the strength of the works, might require a repetition of the siege. To provide for this contingency, Captain Monson had directions, if he thought advancing imprudent, to effect a lodgement in some part of the hill, from which the operations might be carried on. Fortunately the enemy impeded one another in the steep and narrow path up which they crowded to the citadel, while some shot, which opportunely fell among them from the batteries, increased their confusion. Captain Monson, with the light company of the 52nd regiment, and a serjeant and twelve grenadiers of the 71st, pressed after the fugitives, and so critical was the moment, that the serjeant of the 71st regiment shot, at a distance, the man who was closing the first of the gates. All the other barriers the English entered along with the enemy, about 100 of whom were killed on the western hill, and several fell down the precipices endeavouring to escape. The prisoners taken were few. The garrison, they said, had consisted of 1500 men, but a great part of them had deserted during the siege. Of the English, only one private soldier was slightly wounded.

On the 23rd of December, Colonel Stuart was again detached against Ootradroog. This was another fortress of the same description, about twelve miles from Savendroog. It had been summoned when the army retreated the preceding year from Seringapatam. But the Kelledar replied, "I have eaten Tippoo's salt for twenty years, and will not give up my post till you first take Seringapatam." He was still so determined in his resistance, that he would admit of no communication, and fired on the flag. Next

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morning, the lower fort was carried by escalade; when the Governor requested a parley. While this was taking place, the assailants imagined they saw the garrison moving, and treacherously pointing their guns; upon which they rushed to the assault. Some of the gateways they broke, others they escaladed. Though many parts of the road were so narrow and steep, that a few resolute men might have defended themselves against any attack, so great was the alarm of the enemy, that they fled wherever they saw a single European above the walls. At the last gate only, they fired a few shots, by which two soldiers were wounded. Masters of the summit, the assailants fell upon the garrison, of whom many, to avoid the bayonets, precipitated themselves from the rock. The Kelledar, with some others, was taken prisoner. He reported that his garrison, on the arrival of the detachment, had mutinied; and that 400 had deserted during the night.

After the success of these hazardous enterprises, none of the inferior places had courage to resist; and the line of communication for the ultimate operations of the war was now rendered secure. The last great convoy from Madras, of which the fall of the rains, and the state of the roads, had rendered the progress very slow, arrived, on the 2nd of January, at Bangalore. The Brinjarries had 50,000 bullocks, conducting grain to the army, even from the enemy's country itself, in quantities which no exertions of the public service could have matched. From the state of public credit, and the money sent out from England, Lord Cornwallis had, what in no former war the Indian rulers had ever enjoyed, an overflowing treasury. At the same time it was ascertained that the treasury of the enemy was in a far different situation; for several of his principal Brinjarries brought their grain to the British camp, complaining that Tippoo was unable to pay them, and could give them nothing but ineffectual orders upon the collectors of his revenues.

Such were the proceedings of the army under Lord Cornwallis, during the season in which the main operations of the war were suspended. A short account is required of what, during the same time, was performed, by the other divisions of the confederate force.

By the army of the Nizam, only two objects had been effected during the war; the reduction of Gunjicottah, and that of Kopaul. Not one even of these places could have been taken without the British detachment; and the reduction of the latter might be regarded as more a consequence of the fall of Bangalore than of the operations of the siege. This army had been employed, since the month of August, in the attack of Goorumconda; but, depending on the Nizam's artillery, were not able to breach the lower fort, till the guns which had been employed at Nundydroog, and a supply of ammunition, were sent from Bangalore. With British guns, the British artillery-men completed a breach in two days; and prepared for the assault. As the small party of artillery-men were the only Europeans present, they gallantly offered, after breaching the place, to quit their guns, and lead the assault. The reduction of the lower fort had not long been effected, when a large reinforcement arrived from Hyderabad, under the Nizam's second son. The upper fort being regarded as too strong for assault, a body of troops was left to establish a blockade; while the main army, by concert with Lord Cornwallis, moved into the neighbourhood of Colar, to cover the convoy, which was proceeding from Madras with the last of the ammunition and stores for the siege of Seringapatam. This movement escaped not the attention of Tippoo; Hyder Saib, his eldest son, appeared suddenly before Goorumconda, with a flying party; and took the lower fort, with the whole of the detachment left for the blockade. This immediately recalled the main army, and exposed the convoy, which had ascended the Ghauts, and arrived at Vencataghery, to a danger which would have been great, had the detachment with Hyder Saib been sufficiently strong. But he satisfied himself with throwing succour into Goorumconda; and, carrying with him the families of some principal people, he returned to Seringapatam.

Purseram Bhow passed Serah, which had surrendered to Hurry Punt, on his march to the southward; and arrived, without any memorable event, in the neighbourhood of Chittledroog, early in September. This was the capital of a considerable Raja, whose dominions Hyder added to his own about the year 1776. It was one of the

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strongest hill-forts in India, and said to be garrisoned by upwards of 10,000 men. The Bhow, who had no idea of gaining it by force, thought he might succeed by treachery and endeavoured to seduce the commander, but in vain.

The Bhow seemed to have hardly any other object than to procure repose and refreshment to his army in the neighbourhood of Chittledroog, till after the beginning of December, when forage began to fail. A fertile country was intersected by the Toom and the Budra, which, by their junction, form the river, the name of which is also composed by the union of theirs. It was defended, however, by several forts. Hooly Honore, one of the most important of them, situated at the conflux of the rivers, Captain Little, with his detachment, undertook to reduce. He took up his ground on the 19th of December; effected a breach the following day; and carried the place by storm in the night. After this, the smaller forts surrendered without opposition, and only Simoga remained.

Tippoo, at a preceding period of the season, had sent one of his generals, with a considerable army, to keep open his communication with the rich provinces of Bednore and Mangalore, almost the only part of his dominions which was not either in the possession of his enemies, or had sustained the ravages of the war. This officer had taken post near Simoga. But on the approach of the Mahrattas, he left his intrenchments for a position in the woods, some miles to the westward, from which he purposed to act upon them during the siege.

It was of great importance to begin by dislodging this enemy. But all the difficulties and hazard of the attempt were by no mans understood. His position was one of the strongest which the choice of circumstances could have given. His right was completely defended by the river Toom: his left by hills covered with jungle, which approached within a mile of the river; his rear was secured by an impenetrable jungle; and a deep ravine, having a jungle beyond it, protected his front. "The open space," says Lieutenant Moore, "on which the enemy had pitched their camp, was not more than six hundred yards wide; and was, upon the whole, naturally, the strongest place we ever saw; nor can we form an idea of one more disadvantageous to an assault. Had their situation been

accurately known, no one, but an officer who had the most unlimited confidence in his troops, could, in prudence, have hazarded an attack."

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Of course the enterprise fell to the English. In such a position the Mahratta cavalry were unable to act; and a corps of infantry who had advanced into the jungle, when directed to a position where possibly they might have been of some use, declared they had no ammunition. Not only were the Mahrattas useless; "so far as we observed," says Lieutenant Moore, "they were no trifling impediment."

Leaving, by the Bhow's desire, four guns with nine companies, to guard the camp, Captain Little, with the remainder of his detachment, less than 750 bayonets, and two guns, proceeded to the attack. About one o'clock they entered the jungle, tolerably open at first, but extremely thick as they approached the enemy; who opened upon them a heavy discharge of guns, musquetry, and rockets. Both officers of the 8th grenadiers fell; and Captain Little had some difficulty in supporting the Sepoys under their loss. The action continued doubtful a considerable time; for as only small and broken parties could pass the ravine, which was very deep, the English could not come to the decision of the bayonet. After the repulse of several parties, some of whom had penetrated into the camp, Captain Little rallied the grenadiers, and, putting himself at their head, carried the posts on the enemy's right, when the rest of the line pressed onwards, and, in a short time cleared the field. The English pursued, and captured the whole of the guns, ten in number; and during that time the Mahrattas plundered the camp with their usual skill. The amount of the enemy was not exactly ascertained. By the account of the prisoners it exceeded 10,000 men. This is allowed to have been one of the most spirited and brilliant actions of the war. The men were under arms, and actively employed, without refreshment, for six and thirty hours. Though it was dark, when they returned to the camp, the Bhow sent to inform Captain Little that he was coming to embrace him. The Captain excused himself on account of his fatigue and the lateness of the hour; but was not prevented, says Lieutenant Moore, from visiting his wounded officers.

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The Bhow was at head quarters by sun-rise the next morning, complimenting the detachment in the most flattering terms.

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The siege of Simoga was now undertaken without fear of interruption. A battery of five guns was ready to open on the 2nd of January, and by noon the next day had effected a breach nearly practicable; when the garrison, on condition of security to private property, offered to surrender. It may be remarked that they required the guarantee of the English detachment. Such is the depravity of Hindu morals, that it is no affront, either to a nation or an individual, to be charged with the want of faith; and the Bhow totally overlooked the opprobrium which the enemy scrupled not to cast upon him and his nation. The place was capable of a good defence; but the garrison was dispirited by the defeat of the protecting army, and the greater part of them had deserted.

The valuable country which the Bhow had thus conquered, and which he regarded as an accession to his own personal dominions, so raised his ambition, that he aspired to the conquest, or at any rate the plunder of Bednore. After remaining inactive in the neighbourhood of Simoga till the middle of January, he arrived by a few marches, through a country in great part covered with jungle, at Futteh Pet, one of the great barriers of the province of Bednore; and passing this fortress, without any serious attempt upon it, he sent forward a detachment, which began on the 28th to cannonade Bednore. It was recalled, however, the following day; when the army, to its great surprise, received orders to retreat. To stop the progress of the Mahrattas, Tippoo had detached an army, under one of his best generals, who had already advanced as far as Simoga and taken it. The Bhow was by no means desirous of meeting an equal enemy in a close country, in which cavalry could not advantageously act. He crossed the Toom near Simoga on the 10th of February, and the Budra the next day near Binkapoor: he obtained the fort of Adjampoor by capitulation on the 12th: and he joined the allies on the 10th of March, before Seringapatam.

Recovered in health, reinforced, and equipped, the Bombay army, under General Abercromby, left their cantonments in the neighbourhood of Tellicherry; assembled at

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Cannanore on the 23rd of November; and on the 5th of December began their march for the Poodicherrum Ghaut. Vast labour was necessary to repair the road, which the torrents of the monsoon had destroyed. Three weeks, of constant exertion, barely sufficed to bring up the heavy guns; but on the 18th of January, the whole of the artillery, amounting to eighty-six carriages, of which eighteen were heavy, with the usual proportion of ammunition, and forty days' rice for the men, was at the top of the pass. Lord Cornwallis had depended upon the army of Purseram Bhow, with the three battalions of British Sepoys, under Captain Little, to cross the Cavery, and join Abercromby; for the purpose of enabling him to bring on his heavy artillery, to march without dread of Tippoo, and to complete the investment on the southern side of Seringapatam. Disappointed in his expectation, by the avaricious expedition of the Mahrattas to Bednore, he sent his orders to General Abercromby to place his artillery in a secure post at the top of the Ghauts, and hold his corps in readiness to move at the shortest notice, lightly equipped. Abercromby had already performed his first march from the top of the Ghauts, on the 22nd of January, when these orders arrived; he had, therefore, to send back the heavy part of his guns, and encamp at the bottom of the Seedaseer Ghaut, to wait for future instructions.

During the proceedings of the confederate armies, the operations of Tippoo were but feeble; and betrayed the inferiority of his means. Toward the end of June, he sent a detachment, as well to attack Coimbetore, as to raise contributions and collect supplies in the province. Lieutenant Chalmers had been left in the command of the place; with a company of topasses, and a battalion of Travancore Sepoys, commanded by a French officer, named Migot de la Combe, in the service of the Raja. The heavy guns, ammunition, and stores, had been removed from Coimbetore, as a place not sufficient to stand a siege, and placed in the fort of Palgaut, or Palacatcherry, where Major Cuppage, who was now the commanding officer in the province, established his head-quarters. As it was convenient to retain Coimbetore for the fiscal business of the province, a few bad guns, not worth removing, and a small quantity of ammunition, were left in it; with directions

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to the commandant to fall back to Palacatcherry, if a powerful enemy should appear. The party who were now sent against Coimbetore appeared not to Lieutenant Chalmers sufficiently formidable to remove him from his post. After a siege, however, of some duration, a breach was made, and on the 11th of July the enemy attempted to storm. It was with great difficulty that order was preserved among the Travancore troops; but the zeal of their French commander ably seconded the exertions of the Lieutenant, and the enemy were repulsed with great slaughter. Major Cuppage, who advanced with expedition from Palacatcherry, completed their discomfiture, taking the two guns with which they had breached the fort, and pursuing them till they crossed the Bowani.

At the time of this transaction, the Sultan, with his army, had made a movement towards the north, with the intention, as was at first supposed, of proceeding against Purseram Bhow, in the province of Chittledroog. This alarmed Cornwallis so much, that he thought it necessary to make a few marches in the same direction, for the purpose of recalling the hostile army. But Tippoo, having covered a large convoy which he expected from Bednore; having routed, by a detachment, a corps of the army of Purseram Bhow, left by that chief, on his route to Serah, for the purpose of masking Mudgerry: and having terrified into flight the garrison thrown by the Mahrattas at the same time into Great Balipoor, returned to the neighbourhood of his capital. As soon as there, he despatched Kummer ud Deen Khan, his second in command, into Coimbetore. Beside the army which this General led into Coimbetore, a light party, chiefly horse, proceeded with him till after he descended the Gujelhutty pass, and then crossing the Cavery, proceeded through the Tapoor pass; and with great secrecy and despatch, conducted a new Kelledar, with a reinforcement, to Kistnagherry, the only place of importance which Tippoo now possessed, between Bangalore and the Carnatic. This service performed, they remained to ravage the country; and threatened interruption to the British convoys.

The Khan arrived before Coimbetore, towards the end of October, with a force, of which the estimate, at 500 regular cavalry, 8000 regular infantry, and fourteen pieces

of cannon with a body of irregulars, both horse and foot, is probably overcharged. Lieutenant Chalmers, reinforced by the two heavy guns which were taken from the enemy's routed detachment, and Lieutenant Nash, with a company of regular sepoys from Palacatcherry, expected to hold the place till relieved by Major Cuppage. The want of ammunition was the chief defect, supplies of which the Major repeatedly sent by Sepoys, who contrived to enter during the night. On the 22nd of October, Cuppage marched from Palacatcherry with three battalions of Sepoys, six field-pieces, and two Travancore battalions without guns. The enemy determined, with their superiority of number, to anticipate his approach; and met him at the distance of about six miles from Coimbetore. The Khan appeared to decline engaging: but made a dexterous movement to the right of the English detachment, and placed them in such a position that it was necessary for the commander either to force his way to Coimbatore, leaving the Khan behind him, and the road open to Palacatcherry, or to fall back for the security of that more important post, and leave Coimbetore to its fate. Thus out-generalled, the British officer, considering, that if the enemy got possession of the strong and narrow defile which led to Palacatcherry, it might be no easy task to return; considering also that a large convoy from Madras, of bullocks for the use of the Bombay army, was now on its way, and might be taken by the enemy if they got between him and the pass; and not thinking himself sufficiently strong to spare a detachment to take possession of the defile, when, allowing the enemy to pass, and following them close into the defile, he might have taken them between two fires, made up his mind to retreat. On seeing the English begin to recede, the enemy rapidly advanced to the attack; showers of rockets attempted to break the detachment; and the cavalry approached with boldness to the charge. They were received by the flank companies of the rear guard, and several times repulsed; when the Khan, unable to prevent the march of the column, proclaimed a victory and returned to Coimbetore. The ammunition of the place was nearly expended; a breach was made; and all hope of relief had expired. Lieutenant Chalmers capitulated on the 2nd of November, on condition that private

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property should be secured, and the garrison sent to Palacatcherry, on their parole. The capitulation was violated. The garrison were detained as prisoners, till Tippoo was consulted; and he ordered them to Seringapatam.

It is worthy of mention, that, about the middle of January, notwithstanding the powerful armies with which the Carnatic was defended, and the enemy pressed in the very centre of his dominions, a party of horse suddenly appeared in the neighbourhood of Madras; and made some trifling depredations, but ventured not to remain beyond the space of a day. Madras was thrown into the most violent alarm; and the gentlemen of the settlement furnished horses to mount a party of troopers, who, with another of infantry, were sent to the Mount.

Tippoo, at this time, renewed his offer to send vakeels for the settlement of disputes; but his messengers were immediately sent back, with an answer that no embassy would be admitted, so long as the prisoners taken at Coimbetore were retained in breach of the capitulation.

In the beginning of January, the army was encamped in the neighbourhood of Ootradroog, and only waited for the arrival of the heavy cannon, and the junction of the Hyderabad army, to set forward on the grand design.[1] The Hyderabad army had not yet taken Goorumconda, and was obliged to leave the place with a party behind to retain the pettah and continue the blockade. On the 25th of January, when the Hyderabad army was approaching the British camp, the Governor-General went out to receive, in pomp, the Prince who was placed at its head.

As the great men of the East would hurt their dignity, if they did not exceed the time of their appointment by several hours, the British commander spent a tedious day

[1] Colonel Wilks accuses the Mahrattas, rather than the Nizam, of causing delay. "The demonstrations of Tippoo Sultaun," he says, "to the northward, had induced his Lordship to request, that Purseram Bhow should advance simultaneously on the direct road *from* Serah, as well to prevent a detachment to Goorumconda, which actually occurred, as to form a column on his right to unite at the proper time with General Abercromby: but the general purposes of the war were of secondary consideration in all the movements of this chief: he had a political illness which produced an embarrassing correspondence, and it was the necessity of delay arising from this circumstance which induced Lord Cornwallis to occupy the time intended for advance in the siege of Savendroog, which he had determined to leave in his rear from the great improbability of being able to reduce it; and thus in the actual result the delay was useful." Historical Sketches, iii. p. 212.

in attendance, and only met with his Prince, as the evening approached.

Hoolydroog, ten miles in advance, had been re-occupied by the enemy: and as it was inaccessible to assault, and had been repaired with great diligence, it might have been expected, though small, to make a serious defence. But when the Kelledar was summoned by Colonel Maxwell, and was told, that the attack would instantly commence, he was so dismayed as to surrender without resistance.

Before the march, the Eastern chiefs were invited to an imposing spectacle, that of the British army in battle array; at which they gazed with childish, more than rational curiosity.[1]

On the first of February the combined forces began to advance from Hoolydroog. The English army, as usual, moved off at break of day. A change, of sufficient importance to require a description, had been introduced into the order of the march. In former wars, and at the beginning of the present, the army advanced in one column, with the battering train in the rear; which was apt to fall behind so far that sometimes it reached not the ground of encampment before the following day. It was next tried in the centre of the column; but in that case it separated the wings, and produced still greater delay. The succeeding experiment was, to march with it in front: an improvement; as it had the first of the road, and being parked on the leading flank, got earlier off the ground, and without interruption from the line. As the train, however, became enlarged, it occupied so great an extent of road as to draw out the line of march to a very inconvenient length; and the plan was then adopted of marching with it, on one road, and the troops and light guns on another road, on its flank. The success of this experiment

[1] This is probably a specimen of our author's besetting prejudice. It does not appear that he has any grounds for imputing childishness to the "Eastern" chiefs, except their being "Eastern." The only intimation of the kind that is found, occurs in Major Dirom, who observes, that there was a striking contrast "between the good sense of our generals on horseback, and the absurd state of the 'chiefs' looking down from their elephants." The only candid interpretation of which is, that the back of a horse is a more appropriate place for a general, than the back of an elephant; an opinion natural enough in an English officer, and possibly rational enough, but implying no want of rational interest in the display of military power, which was witnessed by the native princes from their howdahs.—W.

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suggested an additional improvement. After wheel-carriages became very numerous, and prolonged to an inconvenient length the line of the march, a third road was taken by vehicles of that description on the other flank of the train. The English army, according to this arrangement, was seen in three columns; 1. The battering guns, tumbrils, and heavy carriages, on the great road, in the centre; 2. The line of infantry and field-pieces, parallel to the first, at the distance of about one hundred yards, on the right flank, which was nearest to the enemy; and 3. On the left of the battering train, all the lighter part of the store-carts, with the baggage conveyances, and the followers of the camp. The line of march was, in this manner, shortened to one-third of the space to which a single column would have drawn it out; and every part of the moving body was much nearer protection.[1]

The armies of the allies followed, at their usual hour, and in their usual confusion.

The last day's march, on the 5th of February, over the barren heights which lie to the north-east of Seringapatam, afforded the allies a view of the Mysorean capital, and the enemy encamped under its walls. They took up their ground, across the valley of Milgotah, at the distance of about six miles from the Sultan; a body of whose horse had hovered about the army from nearly the beginning of the march; but with little power of giving annoyance.

Separated from the chain of hills which the army had immediately crossed, there stood, at a little distance on the plain, a cluster of high rocks called the French rocks, with a large adjoining tank, or reservoir of water. The space between these rocks and the hills was occupied by the line of the British, fronting the Sultan; the hills affording protection on the left, and the French rocks affording not only protection on the right, but covering from the view of the enemy a part of the line which extended behind them. The reserve encamped about a mile

[1] It had also been found an improvement of the greatest importance, to harness the bullocks to the heavy guns four a-breast, instead of two: carrying back the chain by which they drew, to the axle of the gun instead of that of the limber. In the first campaign, a few eighteen pounders created the greatest difficulty and delay. At this time, the battering train moved with a facility not much less than that of the rest of the army.

in the rear, facing outwards, with the stores and baggage in the interval between. The armies of the Hyderabad Prince and the Mahrattas, were somewhat further in the rear, the one on the right, the other on the left of the British reserve.

After his arrival before Seringapatam, Lord Cornwallis wrote immediately to General Abercromby, to march, and occupy as strong a position as he could find on the south of a particular ford, which had been described as one of the best on the river, at a distance of nearly forty miles from the Sultan's capital. It was the intention of the English commander to employ the troops of the Nizam, along with the English battalions attached to it, in the service originally destined for Purseram Bhow, namely, that of forming a junction with General Abercromby, and completing the investment of Seringapatam: and the minister of the Nizam, who, under the nominal authority of the Prince, possessed in reality the whole command of the army, showed a real desire to second the wishes of Lord Cornwallis: on taking cognizance, however, of the state of this part of the confederate force, the Commander-in-Chief discovered, that the Hyderabad minister was so little qualified for the business he was sent to perform, that he could not, if removed from the English markets, and the northern communication, provide, even for a few days, supplies to his troops. Greatly displeased with Purseram Bhow, whose army was well qualified to have yielded assistance, either in completing the investment of the capital, or making head against the corps with which Tippoo might endeavour to interrupt the supplies of the besiegers, Lord Cornwallis wrote letters as well to Poonah to complain of his conduct, as to himself to accelerate his approach. As the armies of the Nizam and Hurry Punt could not act on detached service, they remained completely useless and unemployed.

Seringapatam is situated on an island formed by two branches of the Cavery, which, after separating to a distance of a mile and a half, again unite, about four miles below the place of their separation. Around Seringapatam ran the usual hedge, called the bound hedge, composed of the bamboos, and other strong and prickly shrubs of the country, forming a rampart of considerable strength.

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On the northern side, that on which the confederate army had taken up their ground, an oblong space, of about three miles in length, and from half a mile to a mile in breadth, was enclosed between the hedge and the river. In this enclosure Tippoo was encamped. It contained the most commanding ground on that side of the fort; and was further guarded in front by a large tank or canal; by rice-fields which it watered; and by the windings of a river called the Lockany, which crossed the line of the British camp, and intersected the intermediate valley by three streams, of which one fell into the Cavery, near the eastern point of the island. To the natural strength of this position was added the assistance of six large redoubts erected on commanding ground; of which one, called the Mosque redoubt, situated at the western extremity, on an eminence somewhat advanced beyond the line of the rest, and in the corner of the bound hedge which was here carried out to surround it, was a post of great strength, and covered the left of the encampment. The mountainous range which protected the left of the British line, extended close to the river at the eastern end of the island; and by a hill called the Carighaut, the fortifications of which had been lately improved, together with the branch of the Lochany which entered the Cavery at its base, afforded strong protection to the right of the Sultan's encampment.

In the western angle of the island was situated the strong fortress of Seringapatam. The eastern part was fortified towards the river by redoubts and batteries, connected by a strong intrenchment with a deep ditch. The fort and island therefore constituted a second line which supported the defences of the first; and afforded a secure retreat, as from the outworks to the body of a place. Heavy cannon in the redoubts, and the field train disposed to the best advantage, to the amount of 100 pieces of artillery, defended the first line; and at least three times that number were employed in the fort and island. The Sultan's army was supposed, at a low estimation, to amount to 5000 cavalry, and from forty to fifty thousand infantry. He commanded the centre and right of his line in person, and had his tent pitched near the most easterly of the six redoubts, which from that circumstance was called the Sultan's redoubt.

Tippoo, having abandoned the design of keeping the field against so powerful a combination of foes, had directed his attention to the fortification of this position, and the improvement of his defences in the island and fort. His plan of defence was founded on the hope of being able to protract the siege, till the want of supplies in a country already exhausted, or at any rate the recurrence of the monsoon, should compel his enemies to retreat. He was probably the more confirmed in the anticipation of this result, because it was the same expedient by which his father had baffled the potent combination by which he was attacked in 1767.

The British troops had just been dismissed from the parade, at six o'clock on the evening of the 6th, when they were directed to fall in again with their arms and ammunition.

Every thing was in its proper place at half an hour after eight o'clock, when the order was given to march. The evening was calm and serene; the moon shone bright; and the troops advanced in silence. The security of the northern supplies, and the difficulty of crossing the river, with all the stores and heavy artillery, pointed out the necessity of dislodging the enemy. But his position, every where protected by the guns of the fort, or the batteries of the island, was so strong, that in an open attack in daylight, the event was doubtful, the loss of a great number of the best soldiers of the army unavoidable. The night was therefore chosen, and an early night for the greater certainty of surprise. As guns could be of little service in the dark, and the state of the ground made it difficult to convey them, it was resolved that none should be employed.

The army was formed into three columns: the right column composed of two European and five native batalions, under the command of General Medows: the centre column, of three European, and five native batalions, led by the Commander-in-Chief: and the left, of one battalion of European, with three of native troops, under the command of Colonel Maxwell.

According to the plan of attack, the centre column, under the Commander-in-Chief, was to penetrate the centre of the enemy's camp, while the columns on the

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right and the left were to take possession of the posts which defended the enemy's flanks: and the front divisions of all the three columns, after carrying what was immediately opposed to them, were to cross with the fugitives, and endeavour to get possession of the batteries on the island. So early an attack, before the junction of the Bombay army, and during the darkness of the night, was probably unexpected by Tippoo. The allies, to whom the plan of the attack was not communicated, till after the columns had marched, were in the greatest consternation. To attack with a handful of infantry, and without cannon, the whole of Tippoo's army in a fortified camp under the walls of his capital, appeared to them an extraordinary attempt. And their surprise was increased, when told that Lord Cornwallis in person commanded the division which was to penetrate the centre of the enemy's camp, and had gone to fight, as they expressed it, like a private soldier.

When the columns were on the march, the camp was struck, and the baggage packed; the corps of artillery and the quarter and rear guards of the line, stood to their guns and arms; while the reserve, consisting of the cavalry and the 7th brigade, were drawn up in front of the camp, to act as occasion might require, or to pass a night of the keenest anxiety.

Between ten and eleven o'clock the centre column touched upon the enemy's grand guard, who were escorting a party of rocket-men for the annoyance during the night of the English camp. The horsemen galloped back to the line; but the men with the rockets remained, and endeavoured by discharging them to harass the march. At the time when the rocketing began, the left division were ascending the Carighaut hill, which soon became illumined with the discharge of musquetry. The centre column (the men, as soon as discovered, lengthening the step, though silence was not broken by a single voice, and in one minute moving at double the former pace) gained the hedge, and entered the enemy's lines, about fifteen minutes after the return of the horsemen had communicated to the enemy the alarm. The right division, which had a more difficult march, and was misguided to a point more distant than was intended, entered the bound-hedge

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about half-past eleven, when the discharge of cannon and musquetry, showed that the rest of the troops had every where closed with the enemy.

Of the centre column, 3700 firelocks, the front corps had for its primary object to pass into the island with the fugitives: the corps in the centre was first to clear the right of the camp, and next, if possible, to gain the island; while that in the rear was to form a reserve under Lord Cornwallis, in a position where he might support the other two, and wait the co-operation of the columns on his right and left. The head of the column penetrated the hedge, under a heavy but ill-directed fire, both of cannon and musquetry; and as it advanced, the enemy gave way. The leading companies, the Captains of which had been instructed to charge themselves, each particularly with the men of his own command, and, in getting to the fort, to regard the celerity more than the solidity of their movement, pushed their way directly to the river. Amid the entanglements of the rice-fields, and the darkness and hurry of the night, the front companies separated into two bodies. The party which first reached the ford, crossed without opposition under the very walls of the fort. Captain Lindsay pushed into the sortie in hopes of entering the gate with the fugitives; but it had been shut immediately before, and the bridge drawn up. The second party reached the same ford, about five minutes after the first had gained the opposite side. The passage was now more difficult, for the ford was choked up by the crowds of the enemy pressing into the island. No resistance was, however, attempted, and though some guns were discharged from the fort, they were not directed to the ford. The first party marched across the island, and took post near the southern side. Colonel Knox, who commanded the second, proceeded towards the eastern angle of the island, near which there was a pettah, or town, called Shaher Ganjam, with lines and batteries towards the river commanding the eastern ford. The pettah was hardly carried, when a firing began from the batteries on the river. It indicated that the troops on the left had penetrated the enemy's camp, and, it might be, were forcing their way into the island. The Colonel despatched the greater part of his corps to take these

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batteries in reverse. As soon as the men came down upon them in the rear, where they were open, the enemy, who could not judge of their numbers, and trembled at the bayonet in European hands, abandoned the works and dispersed.

Beside these two parties, a third, consisting chiefly of the seven battalion companies of the fifty-second regiment under Captain Hunter, came to the river soon after the party of Colonel Knox, but at a place about half-way between the two fords, where they crossed, and took post in what was called the Raja's garden. Ignorant that any other troops had passed into the island, Captain Hunter resolved to remain in the garden till a greater force should arrive, or circumstances recommend an enterprise. He soon, however, perceived that his post, being exposed to the guns of the fort, would not be tenable at break of day; and endeavoured, but in vain, to send intelligence of his situation to Lord Cornwallis. After he had been two hours in the garden, a part of the enemy brought two field-pieces to the opposite bank; when he plunged into the river to cross and attack them before the guns were unlimbered for action; he succeeded, though not without loss from a heavy fire both of musquetry and cannon; passed through the enemy's camp without opposition; and joined Lord Cornwallis at a critical moment.

Such were the operations of the front division of the centre column: and such was the first part of the operations on the Island.

One of the native regiments of the first division lost its commander in passing the hedge, and fell into some disorder in taking ground to the right. The centre division hastened to its support, and thence proceeded to the left, to attack the right wing of the enemy. On approaching the Sultan's redoubt, a large body of horse opposed themselves. Major Dalrymple formed the seventy-first regiment, and give orders to fire one round, to load and shoulder. On the clearing up of the smoke, the horse were seen at a distance scattered over the field. The corps proceeded to attack the Sultan's redoubt; but on mounting the walls, and entering the embrasures, found it abandoned. Leaving two companies of the seventy-first regiment, a detachment of artillery, and fifty sepoys for

its defence, they advanced and completed the defeat of the enemy's right, which had been turned by the column of Maxwell.

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The rear division Lord Cornwallis formed near the Sultan's redoubt, and waited, in anxious expectation, for the column of General Medows from the right. About two hours before day-light, he was joined by Captain Hunter, after his return from the island. The men had scarcely time to replace their cartridges, which had been damaged in the river, when a large body of troops, part of Tippoo's centre and left, who had recovered from the early panic of the night, made a disposition, and advanced with a considerable degree of order and resolution. The party, animated by the presence of the Commander-in-Chief, returned with coolness the fire of the enemy, and charged them with the bayonet on their approach. They returned several times, however, with great bravery, to the attack, and were not finally repulsed till the day was about to break. Cornwallis then ordered his men to retire towards the Carighaut Hill, that they might not be exposed to the fire of the fort, or surrounded by the enemy at day-light; and was met by General Medows, hastening to support him.[1]

It was the intention of the Commander-in-Chief, that the column of the right, 3,300 firelocks, under General Medows, should penetrate the line about half a mile east from the mosque redoubt, which was not intended to be attacked, as it was understood to be very strong, stood at a considerable distance from the enemy's front, and would no doubt be evacuated, if the rout of the army was completed. By a mistake of the guides,[2] the column was led to a point further west than that which was intended, and at no considerable distance from the formidable redoubt. On approaching the hedge, one battalion of the front division was desired to make a circuit to the right, to call the attention of the enemy, while the column penetrated, and having done so, left two battalions as a reserve, just within

[1] The Commander-in-Chief paid a heart-felt compliment to the spirit and fidelity of General Medows. When the enemy began to attack him, "If General Medows," said he, "be above ground, this will bring him." The harmony of these leaders is one of the finest features of the campaign: the zeal with which Medows strove to perform the duties of the second, after being deprived of the honours of the first command; and the pleasure which Cornwallis displayed in proclaiming the merit of General Medows, and the importance of the services which he received from him.

[2] By an ambiguity of the orders, says Colonel Wilks, iii. 220.

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the hedge. Colonel Nesbit, who led the column, the station of the general being in the centre, agreeably to the orders of the Commander-in-Chief, finding no opposition, nor any camp, the extremity of which was at a considerable distance to the east, and perceiving one of the posts protecting the enemy's left which it was the business of the column to subdue, wheeled his division to the right, and ascended the hill of the redoubt. No opposition was made till the leading division crossed the canal, and was approaching the redoubt, when they were received by a heavy discharge of musquetry and grape. Part of the column rushed forward, gave the enemy their fire, and drove them from the covered way. But the inner works were strongly manned; many of the ladders were missing; and several ineffectual attempts were made to pass the ditch, before a path was fortunately discovered which led from the end of the mosque into the redoubt. The redoubt was carried after a severe conflict, in which his commandant, and nearly four hundred of the enemy, lost their lives; with eleven officers, and about eighty men, killed and wounded on the part of the assailants. Tippoo's European corps, commanded by Monsieur Vigie, had been stationed in the angle of the hedge in front of the redoubt; but their attention was attracted by the party making the circuit without the hedge, till finding themselves surrounded, they broke, and made their escape.

Leaving a force sufficient for the defence of the post, General Medows commanded the troops to be again formed in their original order; and was impatient to proceed to the real point of attack. Several other redoubts remained on the left of the enemy's position; but he held it more advisable to leave them behind, than waste additional time. Before he was in a condition to march, the firing had ceased in every part of the line; and finding it very difficult, from swamps and ravines, to march within the edge, he proceeded to the outside, and marched along its front to the Carighaut Hill: where he had not long remained, when his attention was fixed by the firing of the attack upon the Commander-in-Chief.

The object of the left column of the British army, 1700 firelocks, was, to clear the Carighaut Hill, to join in the attack upon the right of the enemy's encampment, and

make their way into the island. The attack on the hill was so well conducted, and the surprise of the enemy so complete, that this post, strong as it was both by nature and art, made but a feeble resistance; the walls were instantly scaled; and the loss was inconsiderable. In descending, however, towards the camp, the column had to sustain the fire of the right of Tippoo's line; and were galled by a party who enjoyed the shelter of a watercourse at the bottom of the hill. They bore down every obstacle, and proceeded through the camp, till met by the centre division of the Commander-in-Chief. To pass into the island was the next exploit. A party plunged into the river opposite to the batteries, which opening upon them, had called the attention of Colonel Knox, and they crossed with considerable difficulty, as the water was deep. Their cartridges were rendered useless; and they must have trusted to their bayonets to clear the batteries and lines, had not the enemy, at that critical period, been dislodged by Colonel Knox. The rest of the column moved higher up the river, in search of a better ford, and joined a a part of the centre column, which was crossing, under the command of Colonel Stuart. These corps united at the eastern end of the island; and, towards morning, were joined by the party which first had entered the island, and taken post on the southern side. The separate position of this corps, as well as that of the corps under Captain Hunter, in the Raja's garden, had not been without their advantage; as they had distracted the enemy's attention, and checked him from reinforcing his positions on the river, or making a speedy effort to dislodge the assailants before they could establish themselves in force upon the island.

Such were the operations of the night. The Sultan had just finished his evening's repast, when the alarm was given. He mounted; and before he had time to receive intelligence of the nature and quality of the attack, not only perceived, by the mass of the fugitives, that the centre of his camp was entered, but discovered, by the light of the moon, an extended column passing through his camp, and pointing directly to the main ford. As this threatened his retreat, he went off with great celerity, and having barely time to cross before the English, took his

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station on the part of the fort best calculated for the view, and there continued, issuing his commands, till the morning. In the retreat, a great number of his troops deserted. One corps, 10,000 strong, consisting of the persons whom he had forcibly removed from Coorg, wholly disappeared, having escaped to their native woods: and a number of Europeans, in his service, from which he gave no allowance to depart, seized this opportunity of making their escape.

The day broke only to vary the features of the conflict. The most easterly of the six redoubts, the Sultan's; and the most westerly, the mosque redoubt, were taken; but the intervening four were in possession of the enemy. The scattered parties collected themselves. And the guns of the fort, which, during the night, had been kept silent by order of the Sultan, lest they should persuade the troops in camp that the fort was attacked, and make them imitate the example of the deserters, were opened as soon as daylight fully appeared, and fired upon the assailants wherever they could be reached.

The eastern fork of the two branches of the river which surround the island, Tippoo had occupied with a palace and gardens. The English took up a strong position in front of the gardens, completely across the island, where they commanded the ford to the Carighaut Hill, and occupied the lines and batteries by which it was guarded. A little after day-light a body of the enemy's infantry approached, under cover of old houses and walls. Their fire was but feebly returned; because the ammunition of the English troops had been nearly expended during the night, or damaged in the river. The Commander-in-Chief, who had taken his station upon the Carighaut Hill, whence every operation could be seen, immediately detached several corps to support them; and upon the arrival of this reinforcement, the enemy withdrew. Colonel Maxwell, thinking that his services, no longer necessary in the island, might elsewhere be useful, left the troops to the command of Colonel Stuart, and joined Cornwallis on the hill.

In the mean time the enemy were assembling from every quarter for an attack on the Sultan's redoubt, which it was deemed expedient to recover before the serious attempt was made to dislodge the English from the island.

This redoubt was nearly of the same size and construction with that which had been stormed by General Medows at the left of the enemy's position; it stood, however, within reach of the guns of the fort; and the gorge was left open to the fort and island, to keep it untenable by an enemy. The corps which had been left in it amounted to about 100 Europeans, and fifty Sepoys, with their officers. And as the army was kept at a distance by the cannon of the island, the fate of the post was left to the constancy of its defenders.

An attempt was made to shut up the gorge, by some broken litters, and the carriage of a gun. This was no sooner perceived by the fort, than it opened three guns on the gorge, and two field-pieces were advanced to certain rocks, which stood at a little distance from the redoubt, and sheltered the enemy. The slender barrier was soon destroyed, and the works considerably impaired, when the enemy advanced to the assault. They were repulsed with slaughter, and retired to their station behind the rocks. Considerable loss, however, was sustained in the redoubt. The commanding officer fell; and as the day was extremely sultry, the wounded men were dying for want of water, of which not a drop remained in the place. Great apprehensions, for a time, prevailed, of the failure of ammunition, with which the party had been scantily supplied. But happily, two of the bullocks that carried spare ammunition for the regiments, were found astray in the ditch. Scarcely had the men filled their cartridge-boxes, when a body of cavalry, at least two thousand strong, were seen advancing to the redoubt; of whom three or four hundred dismounted just without musket-shot of the redoubt, and drawing their sabres, rushed toward the gorge. The fire of the defenders was ready, given coolly, and brought down so many, that the rest fell into confusion, and retired. The lapse of an hour brought forward another attack. The troops which now advanced, supposed to be the remains of Lally's brigade, were headed by Europeans; and the English prepared themselves for a more dreadful contest than any which they had yet sustained. They were disappointed; for this party had advanced but a little way from the rocks, when, a few of them falling, they hesitated, got into disorder, and went off.

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This was the last of the enemy's attempts. The redoubt was a scene of carnage. Two officers, and nineteen privates, lay dead upon the ground; three officers and twenty-two privates, grievously wounded, were perishing for assistance; and the rest were nearly exhausted with want and fatigue. About four in the afternoon, the fire from the rocks began to slacken, and the enemy withdrew.

The battle every where seemed now to be given up. The enemy, however, was only preparing for his attack on the troops in the island. A considerable force advanced, about five o'clock, which was without much difficulty repulsed. But the English received information, that a desperate attempt would be made to drive them from the island during the night. They made their dispositions for defence; and the troops lay upon their arms in anxious expectation of the assault: but the morning dawned without an alarm.

In the preceding evening, Lord Cornwallis issued, in the shape of general orders, a flattering compliment to the army: and seldom has a tribute of applause been more richly deserved. The plan of the attack has the character of good sense upon the face of it, and is stamped with the approbation of military men; while it is evident to all, that the conduct of the army in its execution, whether intellect or bravery be considered, was such as it would not be easy to surpass. The only point of failure regarded, as usual, the article of intelligence. The localities of the quarter against which General Medows was directed, were ill understood; and hence arose his defect of success.

The total of killed, wounded, and missing, according to the returns of the British army, was 535. The loss of the enemy was estimated at 4000 slain; but the desertions were the principal cause of his diminution of force. His troops were withdrawn from the redoubts on the north side of the river, during the night of the 7th; and on the morning of the 8th, the remains of his army were collected, the infantry within the works of the fort, the cavalry and baggage on the south side of the river towards Mysore.

Arrangements were now made and executed for besieg-

ing the fort. Three European regiments, seven battalions of sepoys, a captain's command of artillery, were established in the island; and occupied the position taken originally by Colonel Stuart, in front of the Sultan's gardens. While the fort occupied the western extremity of the island, and, with its works, comprehended the space of a mile, the Sultan's new palace and gardens covered a similar extent at the eastern extremity. Previous to the war, the space between these gardens and the fort was occupied by the houses and streets of the most flourishing capital, at that time, in the dominions of any native prince in India. With the exception of the pettah, or suburb, already mentioned, which constituted the eastern extremity of the town, the rest had all been destroyed, to make room for the batteries of the island, and to form an esplanade to the fort. The gardens in which the Sultan delighted, laid out in shady walks of large cypress trees, and enriched with all the vegetable treasures of the East, were cut to pieces and destroyed, to furnish materials for the siege; while the gorgeous palace adjoining, was converted into a hospital for the sick.

On the evening of the 8th, Tippoo sent for Lieutenants Chalmers and Nash, whom he had retained in contempt of the capitulation of Coimbetore. They found him sitting under the fly of a small tent, on the south glacis of the fort, very plainly dressed, and with a small number of attendants. He gave them presents, and charged them with letters to Lord Cornwallis, on the subject of peace, which, he gave them assurance, he had never ceased to desire. Contrary to the usual custom of Tippoo, their confinement had not been cruel.

At day-break on the 10th, the cavalry of Tippoo, who had crossed the river about six miles below the island, got round undiscovered to the rear of the left wing of the English camp, and, advancing between the position of the English, and that of the Hyderabad army, were taken by the English piquets and rear guards for a part of the confederate troops. On passing the park of artillery, they asked some of the camp followers for the *Burra Sahib*, or commander; who, supposing they meant the officer of artillery, pointed to his tent. They galloped towards it immediately, drawing their sabres: but, receiving the fire

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of a party of sepoy draughts and recruits, who turned out with great alacrity, they dispersed, and, recrossing the hills, disappeared. The incident produced alarm in the British camp, as a blow struck at the life of the Commander-in-Chief, whose popularity was deservedly great.

Unable to accomplish his design of strengthening General Abercromby by the junction of the Mahratta or Hyderabad armies, Lord Cornwallis directed him to cross the river, and join the main army, on the northern side. He began his march on the 8th, sending back his sick to the hospitals at Poodicherrum, and leaving a detachment, strongly posted, at the Seidaseer Ghaut. On the 11th, he crossed the Cavery at Eratore. A party of the enemy's horse, breaking in upon the baggage, as it was crossing a small river on the 13th, captured a part of it, and continued to infest the march for the remainder of the day. A still larger body appeared in front on the 14th, when the army was halted and formed for action. The supposed enemy was a strong detachment which Lord Cornwallis had sent to protect this army in its approach. On the 16th, without further interruption, it gave to the force before Seringapatam, an accession, fit for duty, of 2000 Europeans, and double that number of native troops.

To this junction Tippoo intended a more serious opposition. He detached the whole of his cavalry on the evening of the 13th; but they sustained a rencounter with the protecting detachment, and were afraid to proceed.

The fort of Seringapatam is of a triangular shape, to correspond with the ground on which it stands; two sides, and those the longest, being in this manner, defended by a deep and broad river, and only one, that towards the island, without a natural obstacle to oppose an attack. This, of course, was the side which had received the strongest fortifications. This was covered with strong outworks, and two broad and massy ramparts, one a considerable distance within the other, having flank defences, a deep ditch, drawbridges, and every advantage of modern fortification. Upon a computation of all obstructions, it was resolved, notwithstanding the river, to carry on the English attack on the northern side.

About eight o'clock, on the evening of the 18th, a detachment, consisting of one European regiment, and one battalion of sepoys, crossed the south branch of the river from the island, and making a circuit of several miles, over rice-fields and broken ground, approached the enemy's camp before midnight. The commanding officer halted about a mile from the camp, sending forward the party destined for the attack. They entered the camp undiscovered, killed about a hundred troopers, and as many horses, with the bayonet, before the alarm became general; then fired several volleys to keep up the consternation, without losing a single man, without a man having broken his rank to plunder, and without bringing in so much as a horse. The fort was immediately, on all sides, a blaze of light, as if expecting a general assault; but was afraid of firing, which might hurt its enemies less than its friends.

On the same evening, as soon as dark, the party which was destined to open the trenches, marched to the chosen spot, and, before day-light, formed a nullah, which was situated within eight hundred yards of the fort, into a large parallel, having its left flank covered by a redoubt, which they constructed, its right defended by a ravine. When Tippoo found that one of the most interesting operations of the siege had been performed without opposition, while his attention was successfully drawn off to another quarter, he opened every gun which could bear upon the works; sent parties of infantry across the river, to harass the troops in flank, and interrupt their proceedings; and attempted, but in vain, to cut off the stream of water which supplied the camp. On the 19th, the Bombay army, under General Abercromby, crossed the river; and though Tippoo went out to oppose them, at the head of his infantry, successfully invested the south side of the fort, and prepared to carry on the enfilade.

During the 19th, 20th, and 21st, traverses were finished, to connect the first parallel with a large redoubt in the rear; and on the night of the twenty-first, the line was marked out for the second parallel, two hundred yards in advance; from which, as the ground was favourable, no doubt was entertained that the fort could be breached.

Though no relaxation was admitted in the operations of

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the siege, Lord Cornwallis, after the release of the prisoners taken at Coimbetore, had listened to the Sultan's application for peace. Tents were pitched for the conferences; which began on the 15th, and were continued on the 16th, 19th, and 21st. With much difficulty could the aspiring mind of the Sultan reconcile itself to the severity of the terms which were demanded. On the 22nd, a severe conflict was sustained by a party of the Bombay army, endeavouring to gain possession of a grove within reach of the guns of the fort. The second parallel was completed on the 23rd; and a very advantageous position obtained for the breaching batteries. A fire of fifty pieces of heavy ordnance might have been directed against the place by the 1st of March: furnaces were prepared for heating shot: the combustible materials of the houses, with which the fort was crowded, could hardly fail, in a few hours, of setting it in flames: at any rate, the fire of the breaching batteries was sure of success: the spirit of the army was elevated to the highest pitch: and General Medows, whose gallantry was always on the alert, had determined to lead in the storm.

The councils of the British army went forward, as wisdom directs, to every contingency; and, even anticipating the case, that a brave and able prince, who had declared his resolution to perish in the breach, and was surrounded by a band of followers, who, like himself, had every thing at stake, might, with the assistance of the rugged channel of a deep and rapid river, be able to defend his principal fortress against an assault, had made arrangements for completing the enterprise by the irresistible operations of a blockade. The army of Purseram Bhow, with Captain Little's detachment, a force sufficient to complete the investment, was now daily expected: Major Cuppage, from the Coimbetore country, with a brigade of 400 Europeans, and three battalions of Sepoys, had ascended the Gujelhutty pass; and without difficulty would take the forts of Ardinelly and Mysore as he advanced: large supplies, collected in the southern countries, were ready to ascend the Gujelhutty pass: General Abercromby had perfected a line of communication with the Malabar coast, whence supplies were constantly arriving: arrangements

were made for providing the Mahratta and Hyderabad armies from their own countries: and the Brinjarries maintained such abundance in the camp of Cornwallis, as had not been known since the commencement of the war.

On the morning of the 24th, orders were received by the troops in the trenches, to forbear working, and desist from hostilities. "The soldiers," says Major Dirom, "dejected to a degree not to be described, could with difficulty be restrained from continuing their work." The troops of Tippoo fired, both with cannon and musquetry, upon the British troops, for some time after they had ceased — a barbarous bravado, intended to show that he was the last to resign the contest, and effected peace by the vigour of his defence. The general orders which were issued on the English side, concluded with the following passage, not less honourable to the presiding councils, than the most brilliant operations of the war. "Lord Cornwallis thinks it almost unnecessary to desire the army to advert, that moderation in success, is no less expected from brave men than gallantry in action; and he trusts, that the officers and soldiers in his army will not only be incapable of committing violence, in any intercourse that may happen between them and Tippoo's troops, but that they will even abstain from making use of any kind of insulting expression, towards an enemy now subdued and humbled."

Of the preliminary treaty which Tippoo was constrained to accept, the substantial conditions were, That he should cede one-half of his territories to the allies; pay three crores and thirty lacs of rupees; and give up two of his three eldest sons, as hostages for the due execution of the treaty. Lord Cornwallis, though it required no little patience and discretion to manage his allies, had gained over them so great an ascendancy, by a condescending attention to their forms and prejudices, by the dazzling superiority of his power, and by firmness of decision in matters of importance, that they disturbed not the negotiation by urging any points of their own; and professing the fullest confidence in his discretion, declared their willingness, either to go on with the war or conclude a peace, and to agree to any terms which should meet with his approbation.

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The eldest of Tippoo's sons was about twenty years of age; and had at last taken a considerable share in the war. Of the next two, who were destined to become the hostages, one was about ten, the other eight. The uneasiness which parting with them produced in the Seraglio, occasioned a delay which Cornwallis was too generous to resent. To satisfy the mind of the Sultan, he sent him information by his vakeels, that he would in person wait upon the Princes, as soon as they arrived at their tents, and beside their own attendants, would appoint a careful officer, with a battalion of Sepoys for their guard. Tippoo answered with like courtesy; "That he could by no means consent that his Lordship should have the trouble of waiting first upon his sons; that, having the most perfect reliance on the honour of Lord Cornwallis, it was his own particular desire and request, that he would allow them to be brought at once to his own tent, and delivered into his hands."

On the 26th, about noon, the Princes left the fort. It appeared to be manned for the occasion, and was crowded with people to see them depart. The Sultan himself was on the rampart above the gateway, the fort saluting as the Princes went out.

On approaching the English camp, they were received by a salute of twenty-one guns from the park. At their own tents, they were met by Captain Kennaway, the English negotiator, with the vakeels of the Nizam and Mahrattas, and by them conducted to the Commander-in-Chief. They were each mounted on an elephant, richly caparisoned, and seated in a silver howdah. They were attended by their father's vakeels on elephants. The procession was led by several camel hircarrahs, and seven standard-bearers, carrying small green flags, followed by 100 pikemen with spears inlaid with silver, Their guard of 200 of their father's Sepoys, and a party of horse, brought up their rear. As they drew near to head-quarters, the battalion of Sepoys intended for their English guard, formed an avenue to conduct them.

Lord Cornwallis, attended by his staff, and some of the principal officers of his army, received them as they dismounted from their elephants, at the door of his great tent; embraced them; led them in by the hand; and

seated them, one on each side of himself; when he was thus addressed by the head vakeel: "These children were this morning the sons of the Sultan, my master; they now must look up to your Lordship as a father!" His Lordship assured, with earnestness, both the vakeels and the princes, that they should not feel the loss of a father's care. The faces of the children brightened up, and every spectator was moved. At this interview, Lord Cornwallis presented each of them with a gold watch, which appeared to give them great satisfaction. Bred up, as usual with the children of the East, to imitate the reserve and politeness of age, and educated with infinite care, all were astonished to behold the propriety of their deportment. The next day Lord Cornwallis paid them a visit at their tents. They came out to receive him; when he embraced them, and led them as before, one in each hand into the tent. They were now more at their ease, and spoke with animation and grace. Each of the princes presented his Lordship with a fine Persian sword; and he made them a present of some elegant fire-arms in return. "There was," says Major Dirom, "a degree of state, order, and magnificence, in everything, much superior to what we had seen amongst our allies. The guard of Sepoys, drawn up without, were clothed in uniform; and not only regularly and well armed, but, compared to the rabble of infantry in the service of the other native powers, appeared well disciplined, and in high order." On the morning of the 28th, a royal salute was fired from the fort; which was said to announce the satisfaction of the Sultan at the reception given to his sons.

Considerable difficulties occurred in adjusting the terms of the definitive treaty. During the delay, it was observed, that repairs were actively carried on within the fort; and Lord Cornwallis remonstrated. The Sultan, with a disdainful submission, replied: "His Lordship was misinformed; but for his satisfaction, if he desired it, he would throw down one of the bastions, to let him see into the fort."

The condition which regarded the Raja of Coorg was the principal cause of delay. Of the great chain of the western mountains, this country occupied the eastern part of the range, which extended from the Tambercherry pass

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on the south, to the confines of the Bednore country on the north. Periapatam was in former times the capital. But after the growth of the Mysore power, the Rajas had lived at Mercara, a place more protected by the mountains, about twenty miles north from the Poodicherrum pass.

The Coorgs are considered as related to the Nairs, that singular caste, of high pretensions to rank, on the coast of Malabar. Their country, placed at a medium elevation, between the sultry plains and the tempestuous tops of the mountains, enjoyed a temperate and delightful climate, with a fertile soil. Hyder laboured for its subjugation in vain, till a dispute about the succession arose between two brothers. Upon usurping the government of the country Hyder confined the royal family in the fort of Cuddoor on the eastern frontier of Bednore. Tippoo removed them to Periapatam, on the eastern side of the woods of Coorg. A son of the Raja, then dead, made his escape from Periapatam in 1788.[1]

The discontented and inflexible spirit of the Coorgs, and the cruelty with which they had been treated, had rendered the country a scene of devastation and bloodshed, Upon the appearance among them of their native Prince. they renounced with enthusiasm their obedience to the Sultan; and defeated a detachment of his army descending with a convoy to the western coast. Before the commencement of the war between the English and Tippoo, the Raja had repaired to Tellicherry, to form, if possible, a connexion with the English, of whose sentiments with regard to the Sultan he was sufficiently apprized. A regard to the existing treaty made him unable to obtain their consent, at that time, to the engagements which he was desirous of contracting. But no sooner had the war broken out, than he offered his services; and, though his country

[1] The story is told somewhat differently by Colonel Wilks and by Major Dirom. Major Dirom says, that the interference of Hyder between the brothers being admitted, he destroyed the family of the elder brother, carried that of the younger to Seringapatam, and took possession of the country. In the year 1785, the son of that brother made his escape. He had been a prisoner in Seringapatam from his infancy. 'It was part of the policy or piety of Tippoo, to make converts to his religion; and that by force as well as persuasion. The occasion was not omitted in the case of the young Raja. He was subjected to the painful rite of the Mussulman religion, and enrolled among the *Chelas*, or corps of slaves; of whom he had, though strictly guarded, the nominal command of a battalion, at the time of his escape.

was miserably drained both of men and resources, he was able, by his intelligence and activity, to aid materially the operations of the Bombay army. The circumstances in which he had been placed by misfortunes had broken many of the fetters which bind the understandings of his countrymen; and he manifested an enlargement of mind seldom witnessed among those matchless slaves of prejudice. Not only had trials invigorated his faculties, but he displayed a generosity, and a heroism, worthy of a more civilized state of society.

Lord Cornwallis included his country by name, in the territory which Tippoo was called upon to resign. The proposal, it seems, excited his astonishment and rage. He had destined the Raja, no doubt, for a conspicuous example of the direful consequences of renouncing his allegiance. The territory of the Raja commanded the best approach to his capital from the sea. And he complained, not without reason, that to demand a territory which approached to his very capital, and was not contiguous to the country of any of the allies, was a real infringement of the preliminary articles.[1] Lord Cornwallis, having enjoyed the advantages of the Raja's rebellion, was determined not to leave him at the mercy of his foe. The vakeels of the Sultan returned to the English camp with a declaration that their master refused to see them, or to deliberate on the point. Lord Cornwallis ordered preparations for resuming the siege. The guns were sent back to the island and the redoubts; and the working parties resumed their labours. The army of Purseram Bhow, having at last joined Cornwallis, was sent across the Cavery, to assist General Abercromby in completing the investment of the fort; and exceeded the intentions of the British commander, by plundering the country. The princes were informed of the necessity which had arrived of removing them to the Carnatic. Their guard was disarmed, and treated as prisoners of war. The princes were actually, next morning, on the march to Bangalore, not a little affected with the change of their situation; when Lord Cornwallis, at the urgent request

[1] The words of the article were, "One half of the dominions of which Tippoo Sultan was possessed before the war, to be ceded to the allies, from the countries adjacent, according to their situation."

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of the vakeels, agreed to suspend, for one day, the execution of his orders. The submission of the Sultan was intimated. And on the 19th of March, the hostage princes performed the ceremony of delivering the definitive treaty to Lord Cornwallis and the allies.[1]

The revenues of Tippoo's dominions, according to the admitted schedule, were two crores and thirty-seven lacs of rupees. One-half of this, divided equally among the three allies, afforded to each an accession of territory, worth thirty-nine and a half lacs of rupees, approaching to half a million sterling, per annum. The boundary of the Mahrattas was again extended to the river Toombuddra. The share allotted to the Nizam reached from the Kistna beyond the river Penna, and included the forts of Gunjecotah and Cudapa. The British share was obtained in three portions, the first, on the western frontier of the Carnatic, including the Baramahal and the Lower Ghauts; the second, a district surrounding Dindegul; the last, the dominions tributary to the Sultan, on the coast of Malabar.[2]

[1] When Tippoo sent out the vakeels with the documents finally prepared he charged them with a remonstrance on the subject of the outrage which had been committed by Purseram Bhow; and with a request that he might be recalled, with his 20,000 horse, across the river, and made to answer for his conduct; or "which would be a still greater favour," added the Sultan, "that Lord Cornwallis would be pleased to permit me to go out and chastise him myself." When the eldest of the princes delivered the treaty, we are told, that a manly acquiescence appeared in the manner of performing the delivery to Lord Cornwallis; that an air of compulsion and dislike was observed to accompany the ceremony when repeated towards the vakeels of the allies; and that some expressions, not distinctly heard, which the boy took for words of disrespect or dissatisfaction, falling from one of the vakeels, he asked "at what he muttered;" adding, "You may well be silent; your masters have reason to be pleased." Dirom's Narrative, p. 246.

[2] For the history of this war, the principal materials, as yet accessible, are the papers laid before parliament; the official statements in the Gazette; Dirom's Narrative, which, beside a very minute account of the last campaign, contains a retrospect of the previous operations of the war; Mackenzie's Sketch of the War with Tippoo Sultaun; the instructive volumes of Wilks; Moore's Narrative of the Operations of Captain Little's Detachment; and the contemporary historians. Particular references for notorious facts were deemed unnecessary, and would have been troublesome by their number. Of the view of Indian politics which was taken in England at the time of the conclusion of the treaty of Cornwallis, an instructive judgment may be drawn from the following passage in the Annual Register (1792, chap. x. last paragraph). "The advantages which have accrued to the Company from this treaty, amply appear to counterbalance the enormous expense of the war. By the acquisitions in the neighbourhood of the Carnatic, and the consequent possession of the several passes from Mysore, a considerable augmentation of revenue, and a greater protection from hostile incursions, have been obtained in a very important quarter; whilst on the Malabar coast, where we owned but a little before, a portion of rich territory has been allotted to us, which, exclusive of its own commercial consequence, by being attached to the Presidency of Bombay,

As some recompense for the virtues and exertions of the troops, the Commander-in-Chief took upon him to order them a donative equal to six months' batta, out of the money exacted from Tippoo; and he and General Medows resigned their shares both in this and the prize-money. For the satisfaction of the army, and to obviate the jealousies and inconveniences which had been formerly experienced, Lord Cornwallis, at the commencement of the war, agreed, that the plunder taken from the enemy should form one general fund: and that prize-agents to take care of it should be appointed by the army themselves. The officers of the King's army nominated two delegates; those of the Company's Madras army, two: and those of the Bengal battalions, one. A committee was also chosen of seven officers, whose business it was to inspect the accounts of the agents, and make reports upon them to the army. The effects of this arrangement, as might be expected, were admirable. But the democratical complexion of an elective and deliberative body formed in the army, would, at a short distance afterwards, have made the very proposal be regarded with alarm and abhorrence.

It is so common for nations to ascribe the most odious qualities to every party whom they dread, that the excess to which this low passion is carried in England would be less wonderful, did not the superior attainments of the nation render it far less excusable in them, than it is in a people less favourably situated. Several remarkable instances stand in our history, of a sort of epidemical frenzy in abusing our enemies. The frenzy, too, appears to have corresponded pretty exactly in violence with the degree of terror, which each of those foes, in their several times and places, happened to inspire. Louis the Fourteenth, Tippoo Sultan, and Napoleon Bonaparte, may be adduced as conspicuous examples. As in regard to Louis in his day, and Napoleon in his; so among our countrymen,

will at once tend to increase the security of that Presidency, and enhance its value. The wise moderation of these counsels, which directed only a partial division of the conquered countries, cannot be too much praised. For had not a sufficient extent of territory been left to Tippoo Sultan, to make him respectable, and still in some degree formidable to *his neighbours*, the balance of power in India might have been again materially affected, the future adjustment of which would have led to new wars. The treaty was a return, as far as circumstances would admit, to our old and true policy."

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either in India, or in England, scarcely was Tippoo ever spoken of but under the description of a hideous monster; disfigured by almost every vice which renders human nature, in the exercise of power, an object of dread and abhorrence. Even Major Rennell, who is not an example of a man easily hurried away by the prejudices of his countrymen, had already described him as "cruel to an extreme degree;" and though possessed of talents, held in such utter detestation by his own subjects, that it was improbable his reign would be long."[1] And Lieutenant Moore informs us, that "many highly respectable persons, impressed with the same sentiments, doubted not, at the commencement of the late war, but the defection of his whole army would be the immediate consequence of the approach of the confederate forces."[2]

The fact, however, was, that when the English advanced into the dominions of Tippoo, they discovered such indications of good government as altogether surprised them; a country highly cultivated, and abounding in population; in short, a prosperity far surpassing that which any other part of India exhibited, not excepting the British dominions themselves. And for the sentiments with which he was regarded, some information may be derived from the conduct they inspired. The fidelity with which his people adhered to him under the most trying reverses of fortune, would have done honour to the most and beneficent prince. Not an instance of treachery occurred amongst his commanders during the whole course of the war. His troops, with the exception of the men who had been cruelly dragged from the conquered countries, though disheartened by a constant succession of disasters, fought with constancy to the last. The people of the ceded countries yielded as to inevitable fate; but no sooner did an opportunity occur, than they re-

[1] Rennell's Memoir, Introd. p. cxxxix.

[2] Moore's Narrative of the Operations of Captain Little's Detachment, p. 197. That officer, having a mind above the ordinary standard, thus describes the defamatory *mania* of his countrymen. "Of late years, our language has been ransacked for terms in which well-disposed persons were desirous to express their detestation of his name and character; vocabularies of vile epithets have been exhausted; and doubtless many have lamented that the English language is not copious enough to furnish terms of obloquy sufficiently expressive of the ignominy wherewith they in justice deem his memory deserves to be branded." Ibid. p. 193.

placed themselves with eagerness under the government of Tippoo.[1]

As the English over-rated the vices of Tippoo, so they greatly over-rated his power and consequence, as an enemy. It was found, after all, that his whole revenues amounted but to two and a-half millions sterling; and instead of the mighty treasures which he and his father were supposed to have accumulated, and which, from the number of troops they had always kept up, and the expensive wars in which they had been almost constantly engaged, it was impossible they should have accumulated; the expense of only two campaigns was found to have so completely exhausted his finances, that he was unable to pay the grain-merchants for the most essential of all articles, when they conveyed it to his camp.

But Tippoo was a braggart, and talked so loftily of his own power, and with so much contempt of the power of the English, that he both hurt their pride, and awakened their apprehensions. The little delicacy which he displayed in construing in his own favour whatever points

[1] The following passages from the two intelligent officers to whom we are chiefly indebted for our knowledge of this war, are so honourable to the writers, and instructive to their countrymen, that the insertion of them cannot be declined. "When a person," says Lieutenant Moore, "travelling through a strange country, finds it well cultivated, populous, with industrious inhabitants, cities newly founded, commerce extending, towns increasing, and every thing flourishing, so as to indicate happiness, he will naturally conclude it to be under a form of government congenial to the minds of the people. This is a picture of Tippoo's country; and this is our conclusion respecting its government. It has fallen to our lot to tarry some time in Tippoo's dominions, and to travel through them as much, if not more than any other officer in the field, during the war; and we have reason to suppose his subjects to be as happy as those of any other sovereign. For we do not recollect to have heard of any complaints or murmurings among them; although, had causes existed, no time would have been more favourable for their utterance, because the enemies of Tippoo were in power, and would have been gratified by any aspersion of his character. The inhabitants of the conquered countries submitted with apparent resignation to the direction of their conquerors, but by no means as if relieved from an oppressive yoke in their former government; on the contrary, no sooner did an opportunity offer, than they scouted their new masters, and gladly returned to their loyalty again." Moore's Narrative. p. 201. "Whether from the operation of the system established by Hyder, from the principles which Tippoo has adopted for his own conduct, or from his dominions having suffered little by invasion for many years, or from the effect of these several causes united, his country was found every where full of inhabitants, and apparently cultivated to the utmost extent of which the soil was capable; while the discipline and fidelity of his troops in the field, until their last overthrow, were testimonies equally strong, of the excellent regulations which existed in his army. His government, though strict and arbitrary, was the despotism of a politic and able sovereign, who nourishes, not oppresses, the subjects who are to be the means of his future aggrandizement: and his cruelties were, in general, inflicted only on those whom he considered as his enemies." Dirom's Narrative, p. 249.

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the treaty left without definition, was no more than what is practised regularly by every Indian Prince, and every other Prince, where he sees no danger of being made to suffer for his encroachments. But the little regard he paid to the anger of the English, and the indifference with which he provoked them, arose from two causes: the hope of assistance from the French, which, had the government of the Bourbons remained undisturbed, he was sure of receiving; and his incapability of estimating the change in regard to the English which had recently taken place. Only a few years before, he had seen his father reduce them to the very brink of destruction; and no change, which to his eye was visible, had added to their power. Their dominions had received no extension; and the Carnatic, which was all that he saw of their dominions, was in a state of rapid deterioration, while his own were in a state of gradual improvement. It was impossible for Tippoo to understand that his father had to contend with only the East India Company, feeble from a defective treasury, and timid, from the jealousy with which they were watched at home, and from the want of protection which they were sure to experience: That the ministry had now transferred the government of India to themselves: that it was their own ruler into whose hands they had put the reins; and who, if he acted agreeably to them, was sure of their protection: that it was not, in reality, the East India Company with which he had now to contend; but the English government and the East India Company combined, the resources of both of which were clubbed to provide for the war. Not only were the whole revenues of the East India Company devoted to that purpose, and their credit in India stretched to an extent, of which they would have trembled to think, without the firm assurance of ministerial support, and which, without that support, would more than probably have accomplished their ruin; but the ministers gave them parliamentary authority and ministerial countenance, to raise, that is to say, the ministers raised for them, repeated sums in England to a very large amount.

In drawing the balance of profit and loss, upon the speculation which they had in this manner closed, the only advantage which the English could imagine they had

gained, was the chance of having rendered Tippoo more pacific, and less dangerous in case of a future war. That there was no other advantage, will appear from a very simple reflection. They had, indeed, a new territory. But in overbalance of that, it is to be considered that they had expended a sum of money in the war, the interest of which would have exceeded the net revenues of the country which they gained. Their income, therefore, would have been greater had they never entered into the war. Then, as to the question in what degree it lessened either the chance or mischievousness of future wars, experience seemed to show, that if Tippoo was not exasperated into a more eager propensity for war, he was not more humbled into a tame desire of peace; and the conduct of the government speedily showed, that if he had ceased to be equally dangerous, he was far from ceasing to be equally dreaded. That the Company had added by conquest to their territories in violation of the declared sense and enactments of parliament, and were, nevertheless, applauded by parliament and the nation, the world beheld, and have not yet forgotten.[1]

The weakness of the Nizam, and his need of resting upon the English for support against the Mahrattas, when no longer checked by the dread of Tippoo, made that chief desirous of maintaining the fortunate and useful connexion he had formed.

Between the English and Mahrattas jealousies quickly arose. The Mahrattas saw, with regret, the shield of the

[1] Sir John Malcolm, whose loyalty offends not commonly on the score of weakness, seems to regard it as one of the principal advantages of the war, that it displayed Lord Cornwallis's contempt for the act of parliament. "The policy" (says that writer, Sketch of the Political History of India, p. 94) "of Lord Cornwallis, was neither directed to obtain a delay of hostilities, nor limited to the object of repelling the immediate danger, with which the state, over whose councils he presided was threatened." That is to say, it was not confined to the express object to which he was limited by act of parliament. "When *fully satisfied* of the designs of Tippoo, he hastened to attack him; he saw the great advantages which were likely to result from early offensive operations; and the moment he resolved on war, he contemplated (as appears from the whole tenour of his correspondence previous to the commencement of hostilities) the increase of the Company's territories in the quarters of the Carnatic and Malabar, as a desirable object of policy." The grand object, indeed, of Sir John's intelligent work, is to point out the impolicy of the restricting act of parliament; to demonstrate that the most eminent of the Indian governors, Mr. Hastings, Lord Cornwallis, and Lord Wellesley, have treated it with uninterrupted contempt: and received applause for every successful violation of it.

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British power held up between them and the Nizam, whom they had long destined for their prey.

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While the armies were before Seringapatam, and the Sultan was yet unsubdued, Mahdajee Sindiah marched towards Poonah with an army; and not only alarmed Nana Furnavese who governed in the name of the Peshwa, and whose authority Sindiah wished to usurp; but was regarded with suspicion by the English themselves.

When the English, before the war, were bidding so high for alliances against Tippoo, Sindiah, too, offered his services to sale; but asked an exorbitant price. He required that two battalions of the British troops should join his army as an auxiliary force, in the same manner as the armies of the Nizam and Peshwa; that the English government should engage to protect his dominions in the upper provinces during his absence; and should become bound to assist him in the reduction of the Rajpoot Princes, who resisted the extension of his conquests. To involve themselves in war in the distant provinces of Hindustan, for the aggrandizement of Sindiah, whose power was already an object of alarm, by no means accorded with the policy of the English; and the alliance of Sindiah was not obtained.

Upon the conclusion of the peace with Tippoo, a proposition was made to the British commander, by Hurry Punt; that the service of the British troops with the army of the Peshwa should be rendered permanent, in the same manner as that of the corps which was attached to the army of the Nizam. It was the opinion of Lord Cornwallis, that this subsidiary force, though asked under the pretext that it would only be employed in enabling the Peshwa to reduce to obedience any of his refractory dependants, was really desired as a weapon against Mahdajee Sindiah, whose power endangered the authority of the minister at Poonah. But though Lord Cornwallis could not fail to be sensible of the extraordinary increase of the power of Sindiah, who had established the dominion given him, by the policy of Mr. Hastings, over the Mogul provinces, and employed in his own favour the remaining authority of his imperial captive, while he had formed a large and formidable corps of regular infantry under European officers, mostly French, and erected foundries and

arsenals, in short, had made the most formidable accumulation of all the instruments of war, belonging to any Prince in India; he regarded all attempts to check the career of Sindiah, as either imprudent, or contrary to the act of parliament, and unlikely to obtain the concurrence of the ruling powers at home. He, therefore, refused to accede to the wishes of the Poonah minister; though he directed the British Resident at the Court of Sindiah, to make a spirited remonstrance, when intelligence arrived in July that the claims of the Emperor to his tribute from Bengal began to be renewed.

According to the terms on which the receipt and disbursement of the Carnatic revenues had been assumed by the English, they were now to be restored, when the war was at an end. As soon as Lord Cornwallis led back the army from Seringapatam to Madras, he entered upon the discussion of a new arrangement, which, as usual, was somewhat affectedly, if not ludicrously, denominated a treaty. Of the former agreement both parties complained; the Nabob, that its pecuniary conditions were heavier than the country was able to bear; the English, that the securities it provided for the payments of the Nabob, were inadequate to their end. The treaty, therefore, which was made with Sir Archibald Campbell, and the obligation of the Nabob, respecting the annual payments to his private creditors, were annulled: and it was declared, that the agreement which was now concluded with Lord Cornwallis, provided for the objects of both.

According to the terms of this new arrangement, the contribution of the Nabob towards the peace establishment was fixed at nine lacs of pagodas per annum; the payment to his creditors was reduced from twelve to six lacs, 21,105 pagodas; and for the expenses of war, he was to contribute, as by the last agreement, four-fifths of his revenues.

As security for these payments, it was agreed, That during war, the Company should assume entirely the receipt and disbursement of the Nabob's revenues, which he should recover upon the restoration of peace: and that, if any failure of payment occurred during peace, the Company should enter upon the receipt of the revenues of certain specified districts, from which the Nabob's officers

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should, in that event, be withdrawn. The Polygars of Madura and Tinivelly, whose power enabled them to resist the feeble government of the Nabob, and, in a great measure, to prevent the collection of his revenue, were transferred to the management of the English.

It appears from the despatches of Lord Cornwallis, that he set a great value upon this arrangement; and fondly believed it was calculated to answer all the ends which it was the object of himself and his countrymen to secure. The complaints of which he had heard, were chiefly complaints respecting the securities for the payments of the Nabob. The securities which he had taken had the appearance of being complete; and he saw not far beyond first appearances. The observation is just, "that though this engagement simplified in some points, and greatly ameliorated in others, the engagement which Sir Archibald Campbell had contracted; it corrected none of its radical defects."[1] Management during a limited and precarious period excluded that minute knowledge on which alone could be founded an assessment, just either to the Company or the inhabitants; ensured the bad offices of all descriptions of the people, who had an interest in courting the government which they were again to obey; and totally prevented the introduction of a new management, in place of that cruel and oppressive system which, under the government of the Nabob, desolated the country.

Of the transactions of Lord Cornwallis with foreign powers, one yet remains of sufficient importance to require a separate statement. In 1793, the change of government in France precipitated the people of England into a war with that country. It followed, as a matter of course, that in India the possessions of the French should be attacked. The interests of the French in India had now, for a great while, languished under poverty and neglect. The progressive embarrassments of the government at home, and the progressive intensity with which the eyes of the nation were turned upon that government, left the Indian establishments in a state of weakness, ill fitted to resist the weight of the English power, when the bonds of peace were broken asunder. The forces of Madras were sent against Pondicherry, with Major-General Sir John Brathwaite at

[1] Sir John Malcolm, ut supra p. 114.

their head. And Lord Cornwallis hastened from Bengal, to obtain the honour of extirpating the republicans. The difficulty, however, was so very small, that the enterprise was accomplished before he arrived; and the whole of the French settlements in India were added to the English possessions. 1787.

CHAPTER V.

Lord Cornwallis's Financial and Judicial Reforms.

THE measures taken during the administration of this Viceroy, for altering the internal government of the British dominions in India, are not less memorable than his transactions with foreign states.

In the eye of the new government of India, consisting more ostensibly of the Directors, more really of the King's ministers, revenue naturally constituted the first object. In the code of instructions, with which, upon his departure for his government, Lord Cornwallis was provided, occasion was taken to censure the financial administration of his predecessors, and to prescribe a new arrangement. The frequent changes, the substitution of farmers and temporary agents for the permanent Zemindars, the failure of all attempts to enhance the revenue, and the exclusion of the collectors from a share in forming assessments of their respective districts, were mentioned with disapprobation. Complaint was made of the heavy arrears outstanding on the settlement of the last four years; and the country was represented as exhausted and impoverished. Such is the opinion which it was, by the King's ministers and Court of Directors, held fit to express, of the merits of the British government, in India, at the date of this document, in April, 1786. For the purpose of improvement, they directed, that the settlement should be made with the Zemindars. Knowledge sufficient for an assessment, they presumed was already acquired. They prescribed the period of ten years, as the limit to which the settlement should be confined, in the first instance. But they declared their intention to render it permanent, provided, on experience, it should merit their approbation. They

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further commanded, that the collectors of the revenue should be vested with the powers of judicature and police; by having conveyed to them the principal authority in the Dewannee Adauluts, with the power of magistrates in apprehending offenders against the public peace. And, in making this provision for the administration of justice, they declared, that they were not actuated by "abstract theories—drawn," they said, "from other countries, or applicable to a different state of things, but a consideration of the subsisting manners and usages of the people."

Upon his arrival in India, Lord Cornwallis found that his masters in England were egregiously mistaken, when they imagined that there was sufficient knowledge already treasured up, for the business of settling the revenue. The very nature of the land-tenure was not understood. The rights of the different orders of people, who cultivated the soil, and divided its produce, formed a complicated mystery. All that was known, with any certainty, was the amount of revenue which had been annually collected. But whether the country could pay more, or the exactions were already heavier than it could bear, no man had any satisfactory grounds to affirm. In this situation Lord Cornwallis determined to suspend his obedience to the orders of Whitehall and Leadenhall-street; to content himself, in the mean time, with annual settlements, by the local agency of the district collectors, and the superintendence of the Committee, now decorated with the title of Board, of Revenue; to circulate interrogatories, and collect information from every accessible source.[1]

The directions of the government at home, with regard to the administration of justice, were treated with greater respect; the Governor-General saw nothing here to dissuade prompt obedience. In 1787, regulations were promulgated; and the collectors were vested with the triple power of revenue agents, of judges, and of police magistrates. It is good to hear the reasons which the compound of statesmen and Directors, now formed into an instrument of government for India, produced for this device

[1] The fate of Mr. Francis, and of Mr. Francis's ideas, formed a contrast. He himself had been treated by the powers which were, with any thing rather than respect. But his plan of finance was adopted with blind enthusiasm, with a sort of mechanical and irresistible impulse.

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of theirs. They prescribed it, they said, on account of its "tendency to simplicity, energy, justice, and economy."

By Mr. Shore,[1] on whom the Governor-General chiefly relied for information, it was remarked — in that document, in which he exhibited the result of his observation and enquiries — that the constitution of the English government in India was ill adapted for promoting improvement, and the situation of the Company's servants ill calculated for the acquisition of knowledge and legislative talent. The individuals of whom the government was composed, were in such a state of fluctuation, that no separate portion of them had time to conceive and mature any important ideas of reform. In the next place he remarked, that the servants of the Company were so much engrossed with official forms and the details of business, as to be in a great measure debarred from the acquisition even of local knowledge. Still further; he asserted, that the knowledge which they acquired was not appropriate knowledge, such as lays the foundation for political wisdom: it was a mere knowledge of practice; that is to say, a knowledge of a certain number of facts which are obvious, with ignorance of the numerous facts which lie more remote, and ignorance of the numerous connexions which subsist both among the facts which may happen to be familiar, and those of the far wider circle which is wholly unknown.[2] From knowledge of this sort no plan

[1] Afterwards Sir John Shore, and finally Lord Teignmouth.

[2] The words are worth transcribing. They meet some obstinate prejudices, and some pernicious ideas. "If we consider the form of the British government in India, we shall find it ill calculated for the speedy introduction of improvement. The members, composing it, are in a constant state of fluctuation; and the period of their residence often expires, before experience can be acquired, or reduced to practice.—Official forms necessarily occupy a large portion of time, and the constant pressure of business leaves little leisure for study and reflection, without which no knowledge of the principles and detail of the revenues of this country can be obtained.—True information is also procured with difficulty; because it is too often derived from mere practice, instead of being deduced from fixed principles.—Every man who has long been employed in the management of the revenues of Bengal, will, if candid, allow that his opinion on many important points has been often varied, and that the information of one year has been rendered dubious by the experience of another. Still, in all cases, decision is necessary. And hence, precedents, formed on partial circumstances, and perhaps, on erroneous principles, become established rules of conduct. For a prudent man, when doubtful, will be happy to avail himself of the authority of example. The multiplication of records, which ought to be a great advantage, is, in fact, an inconvenience of extensive magnitude; for in them only the experience of others can be traced, and reference requires much time and labour." Mr. Shore's Minute on the Bengal revenues, paragraph 2nd, in the Appendix, Fifth Report of Committee on Indian Affairs, 1810, p. 169. If the multiplication of documents is

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of improvement, no combination of expedients, to make the future better than the past, can ever be rationally expected.

It is necessary to remark, that Mr. Shore, aware of that succession of blunders, which constituted the succession of attempts to improve the mode of governing India, claims indulgence for so many errors, on account of the time required to obtain a knowledge of Asiatic manners and finance. This apology may delude, unless distinction is made between the errors which arose from the want of local knowledge, and those which arose from general ignorance. Those which arose from the want of local knowledge, as far as more time was absolutely necessary for its acquisition, are not to be blamed. Those which arose from general ignorance are, in every instance, the proper objects of reprobation; because provision should always have been made for giving to the government of India the benefit of mencapable of applying the best ideas of the age to the arrangement of its importantaffairs.[1]

On the 2nd of August, 1789, Lord Cornwallis informed the government at home, that he had at last matured his plan of revenue, and was preparing to carry it into immediate execution. He took that occasion to describe the state in which the country would be found at the time when his law would begin to operate; and announced the improvements which he expected it would introduce.

"I am sorry," these are his words, "to be obliged to say that agriculture and internal commerce have, for many years, been gradually declining; and that, at present,

troublesome to the Company's servants, what must it be to the historian, whose field is so much wider? It is worth remarking, that the Committee in 1810 not only inserted the whole of the Minute, in the Appendix to the Report above quoted, but laid so much stress upon this particular passage, as to incorporate it with the Report. p. 11.

[1] The chief source of difficulty is here overlooked. It is that of combining local with general knowledge. If the Company's servants go young to India, they cannot carry with them much general financial information; if they go to India advanced in life, they will never acquire local and practical knowledge. It is, therefore, impossible to unite the two to any effective extent under the present system; but it is certainly better for the country that practical skill should be acquired by experience, than that theorists and experimentalists should be intrusted with the management of the revenues of India. It is only necessary to allow time and opportunity for the acquirement of experience, and that the evils adverted to in Mr. Shore's Minute, should be guarded against as much as possible. Changes of appointment should not be needlessly frequent, and residence in India should be encouraged as long as service is effective; fluctuation should not be incessant; period of residence should not be cut short before experience has been acquired and applied to practice.—W.

excepting the class of shroffs and banyans, who reside almost entirely in great towns, the inhabitants of these provinces were advancing hastily to a general state of poverty and wretchedness.

"In this description I must even include almost every Zemindar in the Company's territories; which, though it may have been partly occasioned by their own indolence and extravagance, I am afraid must also be, in a great measure, attributed to the defects of our former system of management."

The beneficial effects which he expected to flow from the plan, were summed up in these comprehensive terms, "Wealth and happiness to the intelligent and industrious part of the individuals of the country." And, independent, added his Lordship, of all other considerations, "I can assure you that it will be of the utmost importance for promoting the solid interests of the Company, that the principal landholders and traders, in the interior parts of the country, should be restored to such circumstances, as to enable them to support their families with decency, and to give a liberal education to their children, according to the customs of their respective castes and religions; that a regular gradation of ranks may be supported, which is no where more necessary than in this country, for preserving order in civil society."[1]

Every where, and apparently at all times, in India, the revenue of government had been almost wholly derived from the annual produce of the land. It had been originally extracted in that rude and simple mode which accorded with the character of a rude and ignorant people. The annual produce of the land was divided into shares between the cultivator and the government: originally shares in kind, and so to the last in many parts of India; though latterly, government took the money equivalent, in those provinces which had long enjoyed the benefit of a

[1] Letter from Lord Cornwallis to the Court of Directors, 2nd August, 1789; printed by H. of C. 8th March, 1790. The following document contains a similar affirmation, respecting the failure of former regulations. "By the rules established in 1772, all *nuzzers* or *salamies* (free gifts) which had been usually presented (to the Company's servants) on the first interview (with the natives), as marks of subjection and respect, were required to be totally discontinued, the revenue officers were forbidden to hold farms, &c.—This regulation, as far as related to the unavowed emoluments of the Company's servants, does not appear to have been effectual." Fifth Report, ut supra, p. 11.

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Mogul administration. The shares varied according as the land was recently or anciently brought under culture, and according to the pressure sustained by the state. Two fifths to the cultivator, and three to the government, have been assumed as the average proportions for land under full cultivation.[1]

Every year to ascertain the produce of every field, and collect from it the share which belonged to the government, was a very laborious and complicated process; and some variety occurred in the modes in which the operation was performed. In the petty Hindu governments, it would appear, that the agents of the prince transacted immediately with the husbandmen, called ryots, either man by man, or village by village.

The establishment of villages (a vicinity, or parish,[2] would, perhaps, be the more appropriate title) is a peculiarity in India, of which, having been already explained, it is only necessary here to excite the recollection. Each vicinity, call it village, or call it parish, constituted a little community, which had a species of government within itself.[3] Of the villagers, one was headman, distin-

[1] By the Committee on Indian affairs in 1810, Fifth Report, p. 16.

[2] Παροικια.

[3] Detailed descriptions of the constitution of the village communities, as they exist in the South and West of India, are to be found in different authorities. Wilks, South of India, i. 117. Briggs on the Land Tax of India. Duff's History of the Mahrattas, i. 31. Sykes on Land Tenures in the Dekkan. Colonel Briggs has ascertained also, that vestiges more or less complete of the same system, are to be found in Bengal and Hindustan. In the Upper Provinces the system of village property was found entire when they came into the British possession, and the Revenue settlements have recognised the principle. E. India Records, Revenue, i. 415. Much valuable light has been also thrown upon the system as it exists at Azimgerh, on the borders of Oude. Report on Azimgerh by Mr. Thomason. J. As. Soc. Bengal, 1840. They had suffered great disorganization in Malwa, but speedily resumed their form when tranquillity was secured. Malcolm's Central India, ii. 22. The author remarks—"We may, after the scenes which they (the village institutions) have survived in Central India, presume them to be indestructible, unless the hand of power be actually exerted to put an end to an establishment which has for ages formed the basis of all Indian governments." Ibid. ii. 4. It is evident, that the existence and rights of village communities or townships were not known or suspected at the time of Lord Cornwallis's regulations, and although it is true they had suffered much injury in Bengal, yet there were indications of their existence; and it is remarkable that the undoubted industry and talent which was engaged in the investigation of the state of landed property amongst the natives of India, should have missed so curious a peculiarity. It is a proof of the extreme difficulty which then prevailed of procuring accurate information; and our inquirers in fact were unable to avail themselves of the sources best entitled to reliance. They could not discourse with the people—they did not live amongst them—they derived such information as they, with prodigious labour and most commendable exertions, were able to collect, through the medium of the Persian language, and the functionaries of the Mohammedan Government. It is, also, however, an exemplification of our

guished in different places by different appellations; another was employed to keep and register the accounts of the community. Each community had also its Brahmens, as well for the service of the gods, as for the education of the children. It was provided, too, with the various species of handicrafts, and labourers, required by the habits of the people. The land of the village was sometimes divided into lots, and was regarded as individual property; but sometimes it belonged to the community as a whole; and a separate partition of it was made every year by the villagers among themselves, each ryot receiving for the cultivation of the year, such a portion as appeared to correspond with his capital or means. In this, as in other transactions, the headman was the great regulator; but rather, it should seem, from the habitual deference which was paid to him, than any power which he had to enforce his decrees. When the revenue agents of the government transacted village by village, without descending to the annual assessment of each individual ryot, they levied a particular sum upon each particular village, and left the villagers to settle the individual quotas among themselves.

When the Mogul government extended itself so enormously as to comprehend the greater part of the vast Indian continent, the greatness of its transactions, and the rudeness of its mind, naturally rendered it impatient of details; and modes were invented of transacting the business of revenue more in the gross. The revenue agents were rendered stationary, in the districts where they collected, and became responsible to the government for the revenue, receiving payment, by a per centage, or share of what they collected. Under the Indian governments, Moslem or Hindu, every thing which was enjoyed, whether office or possession, had a tendency to become hereditary. There was a great convenience in preserving, in each district, the same grand agent of revenue, and after himself, his son or successor; because each was better acquainted with the people and resources of the district, than, generally speaking, any other man could be expected

liability to overlook that which is unfamiliar to our own preconceptions, and different from all to which we have been accustomed. We suspect not the existence of that, for the appreciation of which we have no standard ready.—W.

to be. In this manner, the situation of those agents became in fact hereditary; and the government of the Moguls, which was, though occasionally violent, in many respects considerate and humane, seldom allowed itself to displace those officers, without some heavy ground of displeasure; even when it sometimes superseded them in the business of collection, it generally made them an allowance, to preserve their families from want or degradation. Before the period of the English acquisitions, the Persian appellative of Zemindar[1] had been generally appropriated to them, in the northern regions of India.

Being responsible to government for the revenue, they were allowed the exercise of all the powers which, in the rude government of the Moguls, were accounted necessary for realizing it. The common method in India of enforcing payment of any debt, was the use of coercion in the hand of the creditor. For revenue-debts government was not likely to pursue more lenient methods. A military force was the instrument allowed; and the Zemindars, in the common style of Oriental pride, retained about them as many troops as they could possibly find the means of maintaining. Under Eastern despotisms the different powers of government were seldom communicated asunder. To the power of collecting the revenue by a military force,

[1] The term means literally land-holder; the nature of the office has been unnecessarily perplexed by the use of the term sometimes in its literal, sometimes in its conventional sense, or by an actual combination of functions. Under the native village system, several villages were formed into a district, and besides a headman of each village, there was a headman of the district. He was probably at first nominated by the villagers, and was one of their own body, being a proprietor of a share of the common land. Subsequently, he may have been nominated by the Government, on whose behalf he collected its dues, receiving as an equivalent, a per centage upon the collections. But besides this fee, and whether he had land of his own or not, he received from the villagers subsistence allowance in the form of a grant of land. Now as the office, as the text remarks, very commonly became hereditary, the Nan-kar, or subsistence-land, became a hereditary succession, and this either with or without a proprietary estate derivable from a share in the township, invested the headman of a district with the character of a land-holder, independently of, and not inconsistently with, his office of collector of revenue. He was, therefore, not merely an officer of the Government. He was, at the same time, the representative of the people, and in that capacity a holder of certain land. It was, consequently, possible to deprive him of his government office, as was done repeatedly in the time of Hastings, without destroying his character of Zemindar. He was still the head of the district on behalf of the people, and enjoyed his own land, or that attached to his popular office, although he had no longer any thing to do with the collection of the revenue. At the same time his continuance in his Zemindari did not constitute him proprietor of the soil beyond his subsistence-land, or such share or shares as might have come down to him from an original member of the township. Briggs on the Land Tax. Malcolm's Central India, ii. 9.—W.

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was added the power of administering justice. All civil disputes appear to have been regarded in India as falling naturally under the cognizance of the agents of revenue. And, in fact, the whole business of judicature and police, with the sole exception of inflicting the highest class of punishments, devolved upon Zemindars, each within the district over which he was placed.[1]

"We generally," says an intelligent servant of the Company, speaking of himself and his brethren, "see Indian affairs with English eyes; and carry European notions into Indian practice."[2] To this source may evidently be traced a considerable proportion of the blunders of our countrymen in the government of India. For how long a period, and as yet hardly closed, did they resolve upon finding a feudal system in India? With this turn of mind, it was to be expected, that they would, if possible, find a set of land-holders, gentry, and nobles, to correspond with those in England. The Zemindar had some of the attributes which belong to a landowner: he collected the rents of a particular district, he governed the cultivators of that district, lived in comparative splendour, and his son succeeded him when he died. The Zemindars, therefore, it was inferred without delay, were the proprietors of the soil, the landed nobility and gentry of India.[3] It was

[1] This statement is not quite correct. As head of the district, the Zemindar in common with the headmen of the villages, was responsible for the police, and maintained a civil force to preserve peace, protect property, and collect the revenues; but he was never officially armed with judicial or military authority. The expounder of the law was the Pundit or Maulavi, or Cazi. The military commander was the Foujdar. Some of the more considerable Zemindars took advantage of the distracted state of the empire to raise troops, and assume the attitude of military chiefs; but this was no part of their proper functions.—W.

[2] Mr. Thackeray, in his Report on the comparative Advantages and Disadvantages of the Ryotwar and Zemindary settlements, dated 4th August, 1807; Fifth Report, ut supra, App. 31. p. 990.

[3] It can scarcely be said with justice, that this inference was drawn without delay. The subject had received repeated attention. A Letter from the Committee of Revenue, of March 1786, cited in Harrington's Analysis, iii. 252, observes, that "the discussion of the rights of the Zemindar has employed *for years past* the first talents both in India and Europe." The most rash and uncompromising advocate of the doctrine was Francis, and he maintained the proprietary rights of the Zemindars with equal pertinacity in his place in Parliament. Sixth Report, Appendix, p. 915, 937. Hastings never admitted it, and in opposition to Francis's opinions, a committee was appointed by Hastings to investigate the nature of landed tenures in Bengal. The report of this committee, submitted in 1778, authorizes no inference in favour of the proprietary rights of the Zemindars. "Almost all the lands, it is said, are held under some person who collects the rents, pays a revenue, and stands between the Government and the immediate tenant of the soil, whether the land be considered as belonging to Government, or the property of the person under

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not considered that the Zemindars, though they collected the rents, did not keep them; but paid them all away, with a small deduction, to the government. It was not considered that if they governed the ryots, and in many respects exercised over them despotic power, they did not govern them as tenants of theirs, holding their lands either at will or by contract under them. The possession of the ryot was an hereditary possession; from which it was unlawful for the Zemindar to displace him: For every farthing which the Zemindar drew from the ryot he was bound to account: And it was only by fraud, if, out of all that he collected, he retained an *ana* more than the small proportion which, as pay for collection, he was permitted to receive. Three parties shared in the produce of the soil. That party to any useful purpose most properly deserves the name of proprietor, to whom the principal share of the produce for ever belongs. To him who derives the smallest share of the produce the title of owner least of all belongs.[1] In India, to the sovereign the profit of the land may be said to have wholly belonged. The ryot obtained a mere subsistence, not more than the necessary wages of his labour. The Zemindar enjoyed allowances to the amount of about ten per cent. upon the revenue which he collected, not more than a compensation for his services. To the government belonged more than one-half of the gross produce of the soil.

The English were actuated not only by an enlightened, but a very generous policy, when they resolved to create, in favour of individuals, a permanent property in the soil, as conducive at once to the increase of its produce, and the happiness of the people. They were under the influence of prejudices in the mode of carrying their design into execution. Full of the aristocratical ideas of modern Europe, the aristocratical person now at the head of the

whom it is held, or of him by whom it is occupied and cultivated, it is still subject to some superior, who possesses rights and claims over it, the extent of which we presume not to examine. But whatever these rights may be, the land itself is liable to the Government revenue, and whoever possesses it, holds it on this special condition." Harrington's Analysis. Revenue, ii. 62. For a summary sketch of the discussions in Bengal, in which Mr. Grant, Sir J. Shore, Mr. Law, and a writer under the signature of Agricola, were the principal disputants, see British India Analyzed, ii. 410.—W.

[1] This is even the language of English law. "By a grant of the profits of the land," say the English lawyers, "the whole land itself doth pass. For what is the land but the profits thereof?"

government, avowed his intention of establishing an aristocracy, upon the European model; and he was well aware that the union, at home, of statesmen and Directors, whom he obeyed, was under the influence of similar propensities. 1789.

In agreement with the orders from home, the resolution was, to form a settlement with the Zemindars for the revenues of their several districts; to limit the settlement in the first instance, to a term of ten years; but to render it permanent, if sanctioned by the authorities in England; and to recognise the Zemindars as hereditary proprietors of the soil, upon payment, as a land-tax, not to be enhanced, of the sum at present assessed.

To such a degree were the English, up to that hour, unacquainted with the country, that the most instructed among them differed prodigiously in estimating the revenue which Bengal was competent to yield. Some were of opinion that the existing rate of assessment was heavier than the people could bear. Others conceived that it was far below the amount to which it might, with propriety, be raised. The government, after all its inquiries, had no better foundation on which to place the magnificent structure it intended to raise, than the amount of the actual collections of preceding years; upon the average or medium of a few of which the assessment, destined for perpetuity, was now arranged. The authorities at home dissuaded, or rather forbade, an actual measurement and valuation of the country; and made a remark which, in itself, does them credit, whatever may be thought of its application to the occasion on which it was produced: that an assessment below what the country could bear, was no detriment, in the long run, to the government itself, because the riches of the people were the riches of the state.

It was easy for the government to assume that the Zemindars were proprietors of the soil under the Mogul sceptre; and it was easy to declare that they should be so in future. But it was not easy to reconcile these proceedings with the rights of other classes of the people. Under the Mogul system, there were various descriptions of persons, as *Talookdars, Chowdries, Munduls, Mokud-*

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dims,[1] who, as well as Zemindars, had hereditary claims upon the produce of the soil; and it was not the intention of government to sacrifice to any class of its subjects the interests of any other. But the interests of the ryots, which were of many times the importance of the interests of all the other classes taken together, whether the mass of individual happiness, or the power of the state, be regarded as the end, were by far the most difficult to bring into a state of concordance with the rights which were thus to be conferred upon the Zemindars.

The possessions of the ryots, either individually, or by villages, were hereditary possessions. So long as they continued to pay to government the due proportion of the produce, they could not lawfully be dispossessed. They not only transmitted their possessions by descent; but had the power of alienation, and could either sell them, or give them away.[2] At an early period of the Mogul history,

[1] The three last were different designations of the same functionary—headmen of villages or districts. The Taluk-dar was a holder of land by different tenures—as grants from Government, from a Zemindar, by purchase, inheritance, &c., but usually paying his land-tax to Government direct.—W.

[2] This statement is too comprehensive, and is therefore inexact; and it is of importance to correct the misuse of the term, as it leads to practical errors. The ryot, as synonymous with the actual cultivator, is not necessarily the proprietor of the soil. Proprietary right depends upon an individual being a member of the family or corporation by which at some indefinite period the village lands were held in common. In all parts of India these persons are found in various relations to the soil. They may cultivate their own share or shares, in which case alone they combine the characters of proprietor and ryot. They may have let their land, and in that case they may have let it to a ryot inhabiting the same village, or to one inhabiting another village. They may have actually sold their land; in which case they cannot of course be considered as proprietors; but they still are to be regarded as members of the village community, and in that capacity, as having a voice in the settlement of the revenue to be paid to the state, the purchasers of their lands having no such corporate authority. For it is clear, that the qualification of being a member of the village proprietary, a member of the commons house of the community, is not dependent upon the land, but upon descent. The legislators of the commune are hereditary, and they cannot transfer, by sale or appointment, their privileges, which birth alone confers. They are the heirs of the first occupants and settlers in their character of rulers—not of cultivators; and this principle of organization chiefly illustrates the history of these establishments. They have originated in conquest, or it may be termed Colonization, but it has been the forcible colonization of an occupied country, thinly occupied, perhaps, rudely cultivated no doubt, but there have been inhabitants who in some instances may have been destroyed, but who in others were reduced to a state of serfage. The immigrants, more civilized and more powerful, have partitioned the lands amongst distinct families or fraternities, who have held certain districts in common as proprietors and rulers. The members of the families have subdivided the lands, but not the sovereignty. As they multiplied, the lands were still more divided, or were disposed of to meet the wants of the occupants; but the authority over the whole could not be communicated to persons of other birth and other castes, and the hereditary right depending on birth was indefeasible, although after a long period the possession of such right might be the only record of community of

a minute survey had been made of the land; upon that survey an assessment had been founded, which had long been regarded as the standard of what every field was to pay; even when new imposts, during the progressive difficulties and corruption of the Mogul administration, were superadded, the Zemindars were bound to give written schedules, called *pottahs*, to the ryots, specifying the particulars of the assessment upon each individual; and these documents were registered in the government accounts, and intended for the protection of the ryot against the extortion of the collector.

The means which, under the Mogul sceptre, were provided for the security of the ryots, were very inadequate to their end. The Zemindars were enabled to exercise universal oppression. Under the eye of a humane and vigilant governor, they were occasionally restrained, by the terror of summary punishment, from the excesses of exaction. But, in general, they took from the ryots every thing beyond what was necessary to preserve them in existence; and every now and then desolated whole districts by the weight of their oppressions. This was contrary to the laws under which the Zemindar was appointed to act. But to whom was the ignorant, the timid, the credulous, the indigent ryot, to apply for redress? His fears, and very often his experience, taught him, that to suffer in patience was the prudent course. The exactions of the Zemindars were covered with so many ingenious contrivances, that they puzzled the wits of the simple cultivator, and often eluded the eye of the government itself.

If the aristocracy was provided for, it appears to have been thought, as by English aristocrats it is apt to be thought, that every thing else would provide for itself. The rules by which the payments of the ryots were determined varied in various places; and so intricate did they

origin. Now, although it is no doubt true that the principle of village organization is very ancient, yet it is not necessary that all the instances should pretend to high antiquity. The contrary is known to be the case, and both Colonel Sykes and Mr. Thomason specify instances, where within the last two or three centuries the village municipality has either been exterminated or become extinct, and lands and powers have passed to other associations. The organization, has, however, been preserved, and is now intelligible. See Briggs, Sykes, Thomason; also Malcolm's Malwa, and Elphinstone's Report on Poona.—W.

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appear to the Anglo-Indian government, that no little trouble would be necessary to make an assessment in detail. The ryots were, therefore, handed over to the Zemindars in gross. The Zemindars were empowered to make with their ryots any settlements which they chose, under a mere general recommendation to be guided by the custom of the place. One security alone was thought of for the ryot. Upon the terms on which the Zemindar agreed to fix his payment, he was to give him a *pottah;* and according to the terms of that pottah, his possession or estate was to be equally permanent with that of the Zemindar.

When the principles of the decennial settlement were finally resolved, and proclamation of the measure was about to be made, a question arose, whether notice, at the same time, should be given of the intention to make the assessment and its rules unalterable, in case the authorities in England should approve. Mr. Shore, though he was among the leading patrons of the Zemindary system, opposed such an intimation, as fraught with imprudence. The Zemindars, he affirmed, were a set of people, whose minds would be as powerfully governed by a decennial, as a perpetual term. He insisted upon the deficiency of the information under which the matter had been arranged. He allowed that enormous abuses existed in the mode of dealing of the Zemindars toward the ryots; abuses which no sufficient expedients had been employed to correct. And he desired that a door might be left open for the introduction of such improvements as the experience of ten years might suggest.

The advantages which the imagination of the Governor-General had painted, as likely to result from the permanence of the settlement, had made so deep an impression on his mind, that he opposed the arguments of Mr. Shore; persisted in his purpose of proclaiming the design; and declared his resolution to use all his influence with the Court of Directors, that they should not wait for the lapse of ten years, but make the settlement perpetual without any loss of time. The circumstance, from which he most vehemently argued, was, the improvement which certainty of enjoyment, he affirmed, would effect, and which certainty of enjoyment alone could be expected to effect, in

the cultivation of the country. "I may safely," said he "assert that one-third of the Company's territory in Hindostan, is now a jungle, inhabited only by wild beasts. Will a ten years' lease induce any proprietor to clear away that jungle, and encourage the ryots to come and cultivate his lands? when, at the end of that lease, he must either submit to be taxed, *ad libitum*, for his newly acquired lands, or lose all hopes of deriving any benefit for his labour.—I must own, that it is clear to my mind, that a much more advantageous tenure will be necessary, to incite the inhabitants of this country to make those exertions which can alone effect any substantial improvement.[1]"

The authorities which constituted the Indian government made it their profession, and their boast, that they were not directed by "abstract theories, drawn from other countries, and applicable to a different state of things;"[2] and the fact was, that almost every step which they took was the result of an "abstract theory," commonly drawn from something in their own country, and either misdrawn or misapplied. The abstract theory now acted upon by the Governor-General; namely, that the highest improvements in the cultivation of the land can be expected from none but the proprietors of the land; was just only in one, and that a restricted, point of view. But though it were proprietors alone that had sufficient motives for the highest efforts in cultivation, the Governor-General, and his ministerial and directorial masters, who concurred with him, ought to have reflected, that there are sorts of proprietors; and that it is not from every sort, that any improvement whatsoever, or any attempt towards improvement, is to be expected. They might have reflected, for how many centuries the soil of Poland has been private property, or the soil of Russia, and how little, in those countries, of any thing like improvement, has yet taken place. They might have recollected, that the nobles even of France, where knowledge was so far advanced, had for many centuries before the revolution enjoyed the property of the soil of France; and that the agriculture of France still

[1] Governor-General's Minute, 18th Sept. 1789, Fifth Report, ut supra, p. 333.

[2] Vide supra, p. 331.

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continued in the most deplorable condition.[1] There are three sets of circumstances, whose operation, where it is felt, prevents the improvement of the soil at the hands of its proprietors: first, ignorance; secondly, possessions too large; and thirdly, too much power over the immediate cultivators. The last is by far the most important circumstance; because men, with very few exceptions, as education and government have hitherto moulded their minds, are more forcibly drawn by the love of absolute power, than by that of money, and have a greater pleasure in the prostrate subjection of their tenants than the increase of their rents. When your countrymen draw theories from England, it would be good if they understood England. It is not because in England we have a landed aristocracy, that our agriculture has improved, but because the laws of England afford to the cultivator protection against his lord. It is the immediate cultivators who have increased so wonderfully the produce of the land in England, not only without assistance from the proprietors, but often in spite of them. The proprietors of the land in England even to this hour, exhibit one of the strongest proofs which can be adduced, of the ascendancy which is exercised by the love of domination over the love of improvement and of wealth. No principle is more thoroughly established, and indeed more universally admitted, than that the grant of leases, and leases of a long duration, to the immediate cultivators of the soil, are essential to all spirited and large improvement. But the proprietors of the soil in England complain, that leases render their tenantry too independent of them; and the greater proportion of the land of England is cultivated on tenure at will. If the gentlemen of England will sacrifice improvement to the petty portion of arbitrary power which the laws of England allow them to exercise over tenants at will, what must we not expect from the Zemindars of Hindustan, with minds nurtured to habits of oppression, when it is referred to themselves whether they shall, or shall not, have power over the miserable ryots, to whom the law is too imperfect to yield any protection? it is the interest of permanent governments to promote the prosperity of their people, because the prosperity of

[1] See a good book, Travels in France, by Arthur Young, Esq., passim.

the people is the prosperity of government. But the prosperity of the people depends entirely upon their freedom. What governments, on this account, have ever promoted freedom? The propensity of the Zemindars was to regard themselves as petty sovereigns.

The effect of *ignorance*, with respect to improvement, is too obvious to require illustration. But it may be remarked, that it operates with peculiar efficacy in augmenting the force of the most powerful of the causes by which the proprietors of land are made to prevent improvement. The love of domination has always the greatest sway in the most ignorant state of the human mind.

The effect of *large possessions* in preventing those efforts and sacrifices, on which improvement depends, deserved of the Indian legislators profound consideration. It cannot escape the feeblest powers of reflection, that the man, who already enjoys a vast accumulation of wealth, must regard, with comparative indifference, small acquisitions; and that the prospect of increasing his great revenue, by slowly adding the painful results of improvement, cannot operate very powerfully upon his mind. It is the man of small possessions who feels most sensibly the benefit of petty accessions; and is stimulated the most powerfully to use the means of procuring them. It is on the immediate cultivator, when the benefit of his improvements is allowed to devolve in full upon himself, that the motives to improvement operate with the greatest effect. That benefit, however, cannot devolve upon him in full, unless he is the proprietor as well as the cultivator of his fields; and hence, in part, the backwardness of agriculture in some of the most civilized portions of the globe.

There was an opportunity in India, to which the history of the world presents not a parallel. Next, after the sovereign, the immediate cultivators had, by far, the greatest portion of interest in the soil. For the rights (such as they were) of the Zemindars, a complete compensation might have easily been made. The generous resolution was adopted of sacrificing to the improvement of the country, the proprietary rights of the sovereign. The motives to improvement which property gives, and of which the power was so justly appreciated, might have been bestowed upon those upon whom they would have operated with a

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force incomparably greater than that with which they could operate upon any other class of men; they might have been bestowed upon those from whom alone, in every country, the principal improvements in agriculture must be derived, the immediate cultivators of the soil. And a measure, worthy to be ranked among the noblest that ever were taken for the improvement of any country, might have helped to compensate the people of India, for the miseries of that misgovernment which they had so long endured.—But the legislators were English aristocrats; and aristocratical prejudices prevailed.[1]

Instructions for the settlement were issued in Bengal towards the end of 1789, and for the province of Bahar in the following year. A complete code of regulations was promulgated for the new system in November, 1791. And the land revenue realized in that year from Bengal, Bahar, and Orissa, together with Benares, amounted to 3,02,54,563, sicca rupees, or 3,509,530*l*. It was not, however, before the year 1793, that the decennial settlement was executed in every district; and that the completion of the measure was announced. So perfectly did the ideas of the government at home correspond with the ideas of the Governor-General, that in the early part of that very year, and before the plan was fully carried into execution, authority arrived in India for bestowing upon it the intended permanence by immediate proclamation.

Besides the land revenue, some other duties were levied in India, which were all generally included under the denomination of *Sayer*; and consisted, chiefly, of certain tolls upon the entry or transit of goods, by land or water.[2]

[1] This imputation, which has repeatedly occurred in the foregoing pages, is wholly unsupported by any thing but the author's anti-aristocratic opinions. The settlement was not made with the Zemindars with any purpose of creating an aristocracy, but in the honest, though in some respects a mistaken belief, that the Zemindars were the proprietors of the soil. What says the Fifth Report—"The first point proposed in the interrogatories circulated by Government, was intended to determine the person with whom the settlement should be made, *and here no difficulty occurred*, for whatever might be the difference of opinion amongst those who were officially consulted on the theoretical question of proprietary right in the soil, *a general concurrence prevailed* in favour of the settlement being made with the Zemindars." Lord Cornwallis, therefore, listened not to his aristocratical prejudices, but to the general concurrence of the opinions of those who were best likely to be accurately informed on the subject—the servants of the Company. It would have argued extreme folly and presumption, had he set any private opinion of his own in opposition to their presumable knowledge and experience.—W.

[2] The most general division of the sources of revenue in the Mogul system finance, is that of *mál* and *sayer*, the former term which literally signifies wealth or treasure, is used to denote *the permanent revenue* arising from land

These duties, also, the Zemindars, in their capacity of collectors of the revenue, had formerly had in charge. To the Anglo-Indian government, however, it appeared, that the management of the Sayer duties but ill accorded with the character of a great landed aristocracy, now imparted or supposed to be imparted, to the Zemindars. Invention was taxed for the discovery of another plan, by which these duties might be collected. Upon enquiry, it appeared that the difficulties of the business would be very great. The value, too, of the Sayer duties had never yet been very considerable. It was certainly the easiest, and was finally determined to be the best expedient, to abolish them. The tax on spirituous liquors, from moral rather than fiscal motives, was alone reserved.

The taxes of Bengal were thus included, with hardly any exception, in one grand impost, that upon the land. The government, however, added to its income, by the resource of monopoly. There are but two articles of luxury, of which there is any considerable consumption in India; salt and opium. Under the native governments, the monopoly of salt had usually been sold. It has been already stated in what manner the servants of the Company endeavoured, at an early period of its territorial history, to appropriate the benefits of this monopoly; and at what period the Company itself thought proper to become the monopolist. From the period of the assumption of the monopoly till the year 1780, it had been usual to dispose of the manufactories in farm, on leases of five years. In that year, Mr. Hastings abolished the system of farming, and placed the manufacture of salt in the hands of government. Servants of the Company were appointed to conduct the business, in the capacity of agents: and the price was annually fixed by the Governor-General in Council. With this arrangement, Lord Cornwallis no further interfered than by an alteration in the mode of sale, and some rules to protect the workmen.

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or other tenements and funds of a fixed durable nature; the second title, which imports fluctuation and change, comprehending *the variable revenue* of every description, from customs on exports and imports, internal duties on the transportation and sale of grain and all kinds of merchandise, professional taxes, and other imposts upon persons and property. The proportion of the Sayer to the whole revenue was found, when the collection was separated in 1789-90, to be not more than 4 per cent. Harrington's Analysis, ii. 61. Note.—W.

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Instead of fixing a price, the commodity was to be sold in small lots by public auction. And as cruelties were practised upon the salt-makers, in confining them to the salt-works, while they were subject to fraud on the part of the natives employed as subordinate agents, certain measures were taken for the prevention of those evils.[1] The salt monopoly produced, at the commencement of the present administration, the sum of 40,00,500 sicca rupees, or 464,060*l.* It had been gradually worked up to the rate of 1,360,180*l.*, the sum which it produced on the average of three years preceding 1810.[2] How much of this arose from increased consumption; how much from the severity of augmented price, will appear hereafter.

The monopoly of opium, like that of salt, the Mogul government uniformly sold. In this branch of business, the Company's government did not depart from the practice of its predecessors. The contract was disposed of by private bargain and special favour till the year 1785; when it was exposed to public competition, and consigned to the highest bidder. Regulations were at the same time made for protecting the ryots from the compulsion, which it had been usual to exercise upon them, to cultivate this article at the contractor's price. It was the interest of government, when government became the monopolist, to pay the ryot, as grower, the lowest possible price. To effect this object, a rate was declared, at which the ryot was compelled to furnish the commodity. Lord Cornwallis complained, that the regulations which had been formed to mitigate the effects of this oppressive system, were by no means adequate to their end; and he added, or substituted, others, of which the beneficial effects were not much superior. One peculiarity it is useful to remark. When the East India Company be-

[1] A practice prevailed, unauthorized by legislation, but sanctioned by prescription, of compelling certain families in the salt districts to engage in the manufacture at lower terms than those granted to free labourers. This practice was abolished by a Regulation of the Government in 1788: the first clause of which enacts—"That it be a fixed principle in the conduct of the business of the manufacture of salt, that in future no compulsion, on any plea whatever, shall be used to make manufacturers work, except in consequence of a previous engagement, but that their services shall be entirely voluntary."—W.

[2] This is somewhat indistinctly stated. The net average amount of the salt sales for the three years following the adoption of Hastings's agency system in 1780, was 464,060*l.*, from 1783 to 1786, the three preceding the arrival of Lord Cornwallis, it was 522,450*l.* In 1836-7, the gross amount was Rupees 1,40,66,119, or about 1,400,000*l.*

came the sovereign, it was not only the seller of the monopoly, but it was the principal buyer, too, from its own contractor. As the government fixed the price, at which the contractor was to pay for the opium to the grower; so it fixed the price, at which the contractor was to sell it to the Company. The price at which the Company bound the contractor to furnish it with opium, was less than the price at which it bound him to pay for it to the grower. "Though the result," say the Select Committee of the House of Commons, in 1810, "will sufficiently demonstrate the erroneous tendency of these contracts, yet the mistakes committed in them were not discovered soon."[1] They were not seen by Lord Cornwallis.[2] He continued the system.

Beside the changes in the financial, Lord Cornwallis meditated important changes in the judicial department of government. For that part of the judicial business which regards the civil, as distinct from the penal branch of law, the rulers in England, free, as they boasted, from the influence of abstract theories,"[3] made, by their orders of 1786, a combination of the business of judicature with the business of finance: a mixture of the character of a tax-gatherer with that of the judge. In each district, the same man was collector of the revenue, judge of the Dewannee Adaulut, and moreover head of the police. Of two such offices as those of collector and judge, lodged in the same hands, it was notorious, that the one had a very strong tendency to produce a sacrifice of the duties of the other. As a security against that great and glaring evil, the rulers of 1786 prescribed, that the proceedings of the collectors in their financial department, and in their judicial and magisterial departments, should be kept separate and distinct. Upon experience, Lord Cornwallis did not think that this grand expedient was altogether adequate to the end which it was contrived and provided to secure. In a minute, dated the 11th of February 1793,[4] he stated, that, under this system, the protection

[1] Fifth Report, p. 25.

[2] It would be more remarkable if they had not been seen by the contractor. There is some fallacy in the Committee's view of the transaction.—W.

[3] It may be remarked with pleasure, as a sign of progressive improvement, that the Select Committee in 1810, have twice, in their Fifth Report, held forth this boast about abstract theories, as an object of contempt.

[4] Appendix No. 9 (A) to Second Report of Select Committee, 1810.

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of the natives depended solely upon the character of the individual who was sent to govern them. Where the collector was a man of humanity and justice, the people, as under the worst government on earth, would no doubt be protected. But as often as it should happen that the collector was a man of another character, the people were exposed to the greatest injustice. If the collector was oppressive, he himself was his own judge. If he decided iniquitously, where lay the appeal? To another class of revenue officers, whose feelings could not be regarded as impartial; to the Board of Revenue, as Sudder Dewannee Adaulut; a tribunal at such a distanee that few indeed of the natives could endure the expense of an appeal. It was therefore resolved that the financial and judicial functions should be disjoined; and the following reasons for that important measure were published to the country: "That while the collectors of the revenue preside in the courts of Mhal Adaulut as judges, and an appeal lies from their decisions to the Board of Revenue, and from the decrees of that Board to the Governor-General in Council in the revenue department; the proprietors can never consider the privileges which have been conferred upon them as secure. That exclusive of the objections arising to these courts, from their irregular, summary, and often *exparte* proceedings, and from the collectors being obliged to suspend the exercise of their judicial functions whenever they interfere with their financial duties; it is obvious that, if the regulations for assessing and collecting the public revenue are infringed, the revenue officers themselves must be the aggressors; and that individuals who have been aggrieved by them in one capacity can never hope to obtain redress from them in another. That their financial occupations equally disqualify them from administering the laws between the proprietors of land and their tenants. That other security must, therefore, be given to landed property, and to the rights attached to it, before the desired improvements in agriculture can be expected to be effected."[1]

With a view to improve upon this plan of administering justice, Lord Cornwallis devised and established the following scheme. In each district, that is, in the language

[1] Preamble to Regulation II. of 1793.

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of the country, each Zillah, and in each of the considerable towns or cities, a Zillah, or City Court, was established. One of the Company's servants, higher in rank than the collector, was the judge. To this judge was appointed a registrar, and one or more assistants from among the junior servants of the Company. Each court was provided with a native, duly qualified to expound the Hindu or Mohammedan law, in cases which turned upon any of these several codes. And all descriptions of persons within the local administration of the tribunal, except British subjects amenable to the Supreme Court, were rendered subject to its jurisdiction.

To obviate the danger of arrears in decision, from the arrival of too many causes to decide, the judge was authorized to refer to his registrar, under an appeal to himself, all suits in which the litigated property was not of considerable amount. The jurisdiction of the registrar was extended at first to 200 rupees, and afterwards even to sums of a higher amount. For determining, in suits regarding personal property, from the value of 50 rupees downwards, native commissioners were appointed; and of these tribunals several at convenient distances, were established in every Zillah. They were allowed no salary or establishment, but received as remuneration a fee of one *ana* per *rupee*, or a commission of somewhat more than six per cent., upon all sums litigated before them. They acted the part of arbitrators; and their mode of procedure was summary, that of simple rational inquiry, not distorted into a labyrinth by technical forms. From their decision an appeal might be carried to the Zillah Court. And upon these appeals, as well as those from the jurisdiction of the registrar, the decision of the Zillah Court was final, excepting in one set of cases; namely, those regarding the species of property called in English law *real* property, and of those cases in only that part in which the decision of the inferior court was reversed.

Such was the establishment for primary jurisdiction, or decision in the first instance in the civil department of judicature. A new provision was also devised for the second and ultimate decision, in case of appeal. The Board of Revenue, or the Governor-General in Council, had previously exercised the powers of appellate jurisdic-

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tion. But to prevent the inconvenience of their having too much to do, it had been provided (as if unjust decisions on small sums could never happen), that no appeal should be made to them, unless the property in dispute amounted to the value of 1000 sicca rupees. By experience it was found, that among the indigent natives very few suits arose for sums so large as 1000 rupees. From that security for justice, therefore, which is constituted by the power of appeal, the natives were, in point of fact, almost wholly excluded: and, indeed, had the limits of appeal been enlarged, the expense of repairing to Calcutta would in most cases have rendered the exclusion equally complete.

Regarding this as an evil, Lord Cornwallis established four tribunals of appeal: one in the vicinity of Calcutta, one at the city of Patna, one at Dacca, and a fourth at Moorshedabad. They were constituted in the following manner: Three judges, chosen from the civil department of the Company's service, and distinguished by the appellations of first, second, and third; a registrar, with one or more assistants from the junior branch of the European servants; and three expounders of the native law, a Cauzee, a Mooftee, and a Pundit, formed the establishment of each court. The privilege of appeal was still confined to sums of a given though reduced amount; and by subsequent regulations a more humane and rational policy was adopted, an appeal being allowed from every primary decision of the Zillah Courts. Even the appellate jurisdiction of the Zillah Courts might be reviewed by this superior Court of Appeal, commonly known by the name of the Provincial Court, in those cases in which it saw occasion to interpose. It was also, in the exercise of its appellate jurisdiction, empowered to take fresh evidence; or, for the sake of receiving fresh evidence, to send back the cause to the original court.

Another and higher, a third stage of jurisdiction, was erected. A tribunal, entitled the Court of Sudder Dewannee Adaulut, was still set up at Calcutta. It was composed of the Governor-General, and the members of the council, assisted by the Cauzy ul Cauzaut, or head Cauzee, two moofties, two pundits, a registrar and assistants. They received appeals from the Provincial Courts, or courts of

primary appeal; at first for sums of 1000 rupees. At this amount, however, appeals were numerous: decision on so many were laborious to the Governor-General and Council. The number of appeals was, at any rate, no proof of the want of need for the privilege of appeal. What was the remedy? To raise the sum on which appeal was admitted: that is, to deny the privilege to the poorest class.[1] By act 21 Geo. III. c. 70, sect. 21, an appeal lay to the King in Council for all sums exceeding 50,000 rupees.

Among the other prejudices of those who at this time legislated in India with so much of good intention for the people of Hindustan, were the prejudices which owe their birth to the interests, and hence to the instructions of lawyers. Of these it is one of the most remarkable, and the most mischievous, that to render judicial proceedings intricate by the multiplication of technical forms, by the rigid exaction of a great number of nice, obscure, pedantic, and puzzling rites and ceremonies, tends to further the ends of justice. This unhappy instrument of justice was not forgotten in the present reforms. For courts of law, provided for a people, among whom justice had always been distributed in the method of simple and rational inquiry, was prescribed a course of procedure, loaded with minute formalities; rendered unintelligible, tedious, and expensive, by technical devices. Of the intricacy and obscurity thus intentionally created, one effect was immediately seen; that the candidates for justice could no longer plead their own causes; that no one could undertake to present a cause to the mind of the judge according to the nicety of the prescribed and intricate forms, unless he belonged to a class of men who made it their trade to remember and observe them. The necessity of an estab-

[1] It may appear to be ludicrous; but as a far better expedient than this, I should very seriously recommend the determination of the matter by lot. Suppose the Court can find time to decide upon twenty appeals in a month, and that sixty arrive. By cutting off the forty in which the amount of property is least, you make it visible to the inferior judge in what cases he may commit iniquity, free from that check which the prospect of appeal imposes. Reject the forty by lot, and as the inferior judge can never know on which of his decisions the review of the Superior Court will attach, the check is, with some degree at least of efficiency, spread over the whole of his decisions. At any rate the suitors are treated impartially, and the interest of those with the small lots of property is not sacrificed, as, according to all systems of law, that ever yet have had any existence, it has been very generally sacrificed, to the interest of those with the large.

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lishment of hired advocates; in Indian phrase *vakeels*, a word of very general application, meaning almost any man who is employed on any occasion to speak and act for another; was therefore acknowledged. A system of rules was prescribed for the formation and government of a body of native pleaders; to whom pay was provided by a small retaining fee, and a per centage on the amount of the litigated property. From this, one inconvenience immediately flowed; an inconvenience from which the establishment of mercenary pleaders has never yet been freed, but which by this regulation was carried up to its greatest height, and there made secure from descent; that the class of causes which is infinitely the most important of all, could not fail to be treated with comparative neglect, and to sustain a proportionate failure of justice.

In one important particular, common sense and pure intention guided the present ruler into the good path, wherein his successors, alas! had not the wisdom to follow him. When the Company abolished the *choute*, or exaction for the judge of twenty-five per cent. upon the value of the litigated property, they established in lieu of it what was called an institution fee, or a sum to be paid upon the commencement of a suit. Any obstruction to the demand for justice, Lord Cornwallis treated as an evil; and appears to have had some perception, more or less clear, of the important truth, that where there is not *cheap justice*, in the great majority of cases there is no justice. He abolished the impost on the commencement of a suit; prohibited all fees of court; and restricted the expense of justice to the remuneration of the pleader, and the necessary conveyance and maintenance of witnesses. With regard to the judges, he emphatically insisted upon their being paid entirely and exclusively by salary, "without receiving any kind of perquisite whatever."[1] And he who understands the injuries which justice has sustained and yet continues to sustain, for the benefit of judges' fees, will appreciate the gratitude which for this determination, if for nothing else, he deserves from mankind.

Such was the provision made by Lord Cornwallis for the

[1] See his address to the Court of Directors, dated the 2nd of August, 1789, printed by order of the House of Commons, 8th of March, 1790.

civil department of judicature: he was not less deeply impressed with the necessity of substantial reforms in the penal.

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In his address to the Court of Directors, under date the 17th of November, 1790, he said; "Your possessions in this country cannot be said to be well governed, nor the lives and property of your subjects to be secure, until the shocking abuses, and the wretched administration of justice in the foujdarry department can be corrected. Anxious as I have been to supply a speedy remedy to evils, so disgraceful to government, so ruinous to commerce, and indeed destructive to all civil society, it has still appeared to me to be so important as to make it necessary for me to act with great circumspection. But I am so strongly incited by motives of humanity, as well as of regard to the public interest, to establish, as early as possible, an improved system for the administration of criminal justice, that I shall use every exertion in my power to effect it, before my embarkation for Madras."[1]

When the opinions, which Lord Cornwallis expressed of the different departments of the Indian government, at the time when he undertook his reforms, are brought together, it would not be easy to draw a stronger picture of a people suffering by the vices of government. The administration of justice through all its departments, in a state the most pernicious and depraved; the public revenue levied upon principles incompatible with the existence of private property; the people sunk in poverty and wretchedness; more than one-third of the country a desert, and the rest hastening to desolation. Such is the picture on the one hand. Pictures of an unexampled state of prosperity,

[1] Letter from Lord Cornwallis to the Court of Directors, ordered to be printed by the House of Commons, 16th May, 1791. He had, in a preceding letter, dated the 2nd of August, 1789, expressed himself in similar language. "The system for the administration of criminal justice has long attracted my serious attention, and is, in my opinion, in a most exceptionable state. I feel myself called upon, by the principles of humanity, and a regard for the honour and interest of the Company, not to leave this government, without endeavouring to take measures to prevent, in future, on one hand, the cruel punishments of mutilation, which are frequently inflicted by the Mohammedan law, and on the other, to restrain the spirit of corruption which so generally prevails in native courts, and by which wealthy offenders are generally enabled to purchase impunity for the most atrocious crimes. . . . . I conceive that all regulations for the reform of that department would be nugatory, whilst the execution of them depends upon any native whatever." Ordered to be printed by the House of Commons, 8th March, 1790.

were, nevertheless, held forth, at this very moment, by speeches in parliament,[1] to the parliament, and to the nation; and the flattering pictures, as they were the pictures of the minister, governed the belief of parliament, and through parliament that of the nation, wherein, to most persons indeed, the facts constituting the real state of the case were wholly unknown.

For criminal judicature or jail delivery, four tribunals were erected. For judges on these tribunals, the judges of appeal in the four provincial courts were appointed, with the same auxiliaries, in the shape of registrar, assistants, and native officers, as were appointed for them in the civil courts of appeal. The business of penal judicature was to be performed by circuit. The jail deliveries at the four principal cities, the seats of the provincial courts, were to be held every month; those in the district of Calcutta four times, and those in the remaining Zillahs of the country twice in the year. According to the plan of Lord Cornwallis, the judges of each of the four courts of appeal formed two courts for the circuit: one, consisting of the first judge, accompanied by the registrar and Mooftee; and one consisting of the two remaining judges, attended by the second assistant and the Cauzee.

While the judges of appeal were, in this manner, employed, the courts of appeal were unavoidably shut. The inconvenience of this was soon very heavily felt. In 1794, it was ordained, that one of the judges should remain to execute the business of the civil court; while the other two proceeded to hold the penal courts by circuit. By an unhappy rule, however, of the civil court, requiring that

[1] See the Parliamentary History, for the speeches on Indian affairs of the ministers in general, more especially those of Mr. Henry Dundas, the President of the Board of Control.—M.

It may be doubted if the light in which Lord Cornwallis's picture is here represented is entirely correct. It does not appear that he considered the administration of justice most pernicious and depraved in all the departments. Although he speaks strongly of the abuses in *one* department, that of the police, the reforms in the administration of civil law were matters rather convenient than urgent. It does not appear that private property was, in any degree, endangered by the mode in which the revenues were collected; and although there were many tracts of waste land, there is no reason to believe that the whole was hastening to desolation. That there were many defects in the constitution of the government, was no doubt true—it is true at the present day; but it is equally certain that the country was in a state of progressive improvement, and that the statements made in Parliament were not wholly without foundation—the revenue was permanently augmented, and the commerce was greatly enlarged.—W.

two judges should be present for decision upon appeals, little relief was obtained by this measure. It was, therefore, in 1797, directed that two of the judges should remain for the business of the civil appeal court, and that only one should be spared for the business of the penal circuit.

Beside the courts of circuit, the utility was still recognised of a superior criminal tribunal at the seat of government. As in the case of the Sudder Dewannee Adaulut, it was composed of the Governor-General and the Members of the Supreme Council, assisted by the head Cauzee and two Mooftees. Nizamut Adaulut, in the language of the country, was the name by which this high criminal court was distinguished.

In the performance of the great penal branch of the judicial duties, the judges of circuit, periodically, repair to the places which are the seats of the Zillah Courts, and remain till they have gone through the calendar; in other words have investigated every charge which is contained in the list of charges presented to them upon their arrival. The accusation, with its evidence; the defence with its evidence, or the confession of the prisoner when he happens to confess, are heard before the judge, and recorded in writing. The Cauzee, or Mooftee, who has witnessed the proceedings, is then required to write at the bottom of the record the sentence which is required by the Moslem law, and to attest it with his signature and seal. With this decision it is optional in the judge to concur or to disagree. If he disagree, the case is referred to the Nizamut Adaulut; and in all cases inferring the higher degree of punishment, the sentence of the itinerant court is not executed, till confirmed by that presiding tribunal. A copy of the record, with every material paper delivered into court, is transmitted with all convenient despatch to the Nizamut Adaulut, accompanied by a letter stating the opinion of the judge on the evidence adduced.

The judges are required, on their return from the circuit, to make a report, containing an account of every thing which has appeared to them to be worthy of the notice of government, in the perfections or imperfections of the law; in the condition of the jails; in the management of the prisoners; and even in the moral and phy-

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sical condition of the people. It is always a favourable sign of a government to provide for its own information respecting the error of its own proceedings, and the means of carrying on to perfection what is yet mingled with defect. To require periodical reports from the judges, for the purpose of making known the evils which remained without a remedy, is a measure deserving no common tribute of applause. Were a similar operation carried over the whole field of government, and made sufficiently faithful and searching, the melioration of governments, and with it the happiness of the human race, would proceed with an accelerated pace. One consideration, however, which it is of great importance to hold constantly in view, has been well suggested on this very occasion by the Committee of the House of Commons, appointed to report on the affairs of India in 1810. "It is hardly," they say, "to be supposed that public servants, in such a case, would lean to the unfavourable side; or, without sufficient foundation, transmit accounts which would prove disagreeable to the governed to receive. A communication of this nature might be rather suspected of painting things in colours pleasing to the government, with the view of bringing the writer into favourable notice."[1] It is a matter of experience, that this propensity, in general, is uncommonly strong. A wise government therefore would always take, with very considerable allowance, the flattering picture presented in the reports it might receive; but in the language of the same Committee, "would regard them as worthy of particular consideration, as often as defects are stated to exist, and evils are represented to prevail."[2] How opposite the ordinary conduct of governments, how effectual the measures which they take to hear no accounts but flattering ones, to discountenance and deter the suggestion of defects, the world is too old to need to be informed.

Such was the apparatus provided by Lord Cornwallis for the administration of law. A correspondent consideration ought to have been, what was the law which through this machinery was to be administered.

When rights are considered as already established, the object of a body of law is to define and secure them

[1] Fifth Report, p. 65. [2] Ibid.

Among the people of India rights to a great extent were already established; and there were two systems of law which respected them. It was an important question to what degree those systems were calculated to answer the purposes of law; that is, to mark out, by clear, precise, and unambiguous definitions, what were rights, and what the violations of them. It was a very lame and defective provision for the distribution of justice, to appoint a number of persons for the administration of law, if there was no law, or no tolerably good law, for them to administer. The standards of Hindu and Moslem law, by which, respectively, the rights of the Hindu and Mohammedan population were to be governed, were their sacred books: the Shasters and the Khoran. These were just about as well calculated for defining the rights of the people of England.[1] There was, by consequence, in India, nothing which in reality deserved the name of law. Its place was supplied by the opinions of the Pundits and Cauzees, which were liable to all the fluctuations, which diversity of thoughts, and the operation of interest, were calculated to produce. Every thing was vague, every thing uncertain, and, by consequence, every thing arbitrary. The few points which could be regarded as in any degree determinate and fixed, covered a very small portion of the field of law. In all the rest, the judges and interpreters were at liberty to do what they pleased; that is, to gratify their own interests and passions, at the expense of the candidates for justice to as great a degree, as the ignorance or negligence of the ruling power would permit. With the law, in such a condition as this, it is evident, that any thing like a tolerable administration of justice was altogether impossible. The first thing, therefore, first in point both of order and importance, was, to have prepared a set of exact definitions, comprehending rights, and those violations of them which it is the business of law to prohibit: in other words, it was proper to have drawn up a clear and unambiguous

[1] The errors of our author upon these subjects have been already pointed out. The standards of Hindu and Mohammedan law are, in a very restricted acceptation, their sacred books. The word Shaster is of very wide and vague signification, and, as here employed, has no meaning at all. The social institutions of the Hindus are based upon the Vedas, but their laws are laid down in a variety of works written upon the subject. In like manner the standards of Mohammedan law are numerous and comprehensive, and are very slightly dependent upon the Koran.—W.

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digest of law, in both its departments; the prohibitive or penal, as well as the creative or civil. The thought of rendering this great service to justice and to human nature, seems never to have visited the mind of the Governor-General and his advisers. To this day, it has hardly visited the mind of any Indian ruler; though to provide an expensive machinery of judges and courts without a body of law, is in point of reason as great an absurdity, as to provide an expensive apparatus of cooks and kitchen utensils, without any victuals to cook. Is it a wonder, that the administration of justice in India should still be a disgrace to a government conducted by a civilized people?[1]

The irrational notion appears to have established itself in the minds of most Englishmen, that courts, or tribunals, are also law; and that when you have established tribunals, you have not merely provided an instrument for the administration of law, if any law exists; but have provided law itself. Nothing, it must be owned, was ever better calculated for generating so absurd an opinion, than the state of the law in England, and the efforts of English lawyers, whose interests it eminently promotes. In England, extraordinary as it may sound, the courts have been at once tribunals, and law. In England, as in India, the courts were originally set up without law. What they did was to make law for themselves. In that deplorable condition the business of law in England remains. The greater part of the rights of Englishmen depend upon

[1] The justice of this accusation may be reasonably questioned, and although like everything human, the administration of the law in India may be imperfect, yet that it is not so disgracefully defective as is here intimated is proved by the general prevalence of order and tranquillity in the Company's territories, by the low ratio of crime, and by the universal feeling of security to both life and property, which prevails amongst the people. That the government should have opened its legislative career with definitions and a digest, is to expect that a man should become an adept in a science before he has mastered its rudiments. The lesson was to be learned: to have waited until it was learned, without taking any steps to acquire it, was a sure way never to learn it at all. To legislate without knowledge may be an innocent amusement for a philosopher, but it is a dangerous practice for a government. Experience must be gained, even at the cost of imperfection and error in the process of making the acquisition, before the circumstances and relations indispensable to accurate definitions and unambiguous digests can be known or provided for. It may be doubted, even in the present day, if India is ripe for a code of laws, although the attempt has been instituted—a code stands still—society does not; and the condition of British India has been, for the best part of a century, and will be, for a still longer period, in perpetual motion. —W.

nothing better than unwritten, undefined law, generally denominated common law; that is, any thing which the judges choose to call law, under no other restrictions than certain notions, to a great degree arbitrary, of what has been done by other judges before them. Englishmen in general have no conception of the extent to which they lie under a despotic power in the hands of the judges; and how deeply it concerns them to see that despotic power taken away.

It is remarkable, notwithstanding this, that Lord Cornwallis has expressed very strongly, both by words and example, the great utility, or rather absolute necessity, if the ends of justice are the ends in view, that every law should be fixed, by written, permanent expressions; and, what is more, that it should be accompanied by the reasons upon which it is grounded. In the preamble to one of his enactments, he said; "It is essential to the future prosperity of the British in Bengal, That all regulations which may be passed by government, affecting, in any respect, the rights, persons, or property of their subjects, should be formed into a regular code; and printed, with translations in the country languages. That the grounds on which each regulation may be enacted, should be prefixed to it. And that the courts of justice should be bound to regulate their decisions by the rules and ordinances which those regulations may contain." If all this is of so much importance, in the case of regulations for only the modes of administering law, what must it not be for the matter of law itself? And what is to be thought of the state of legislation in India, and in Great Britain, the people of both of which are still deprived of such an advantage, "essential to their prosperity?"—"A code of regulations," continues the preamble, "framed upon the above principles, would enable individuals to render themselves acquainted with the laws, and the mode of obtaining speedy redress against every infringement of them. The courts of justice would be able to apply the regulations, according to their true intent. Future administrations would have the means of judging how far the regulations had been productive of the desired effect, and, when necessary, of altering them, as experience might direct. And the causes of future prosperity or decline

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would always be traceable in the code to their source."[1] The gratitude of mankind is due to a government, which thus solemnly promulgated to the world the beneficent creed. That it is only by a code, that is, laws existing in a given form of words, that the people can know the laws, or receive protection from them. That it is only by means of a code, that courts of justice will apply the laws according to their true intent. That the defects of all ordinances of law ought to be experimentally traced, and corrected whensoever known. And that the causes of the decline or prosperity of nations may always be found, as at their source, in the state of the laws. Opinions more important to the interests of human beings never issued from human lips.

By the reforms of Lord Cornwallis, however, almost wholly confined to the instruments of judicature, no alterations were made in the state of the law, except that the mutilations and some other cruelties in the native modes of punishing were abolished, and certain modes, very liable to abuse, of enforcing payment of debt, were forbidden; no coercion for the recovery of debt, even in the case of the revenue, being allowed, except through the medium of the courts of law.

Beside the dispensation of justice, in deciding upon rights, and in punishing wrongs, the protection of society requires that provision, as effectual as possible, should be made, for preventing evil; for checking crimes, in the act of commission; and for ensuring the persons of offenders for justice. The system of operations and powers, destined for the performance of these services, goes, in the languages of modern Europe, by the unappropriate name of police.

The native system of police, the powers of which, in arbitrary exercise, were confided to the Zemindars with their armed followers, in the country; and to a set of officers, called Cutwals, with armed followers, in cities; was abolished. From both these sets of officers all powers were taken away. Instead of the previous expedients, the judges of the Zillah courts were vested, in quality of magistrates, with powers of apprehending and examining all offenders. On slight offences, importing a trivial pun-

[1] Preamble to Regulations xii. of 1793.

ishment, they might pass and execute sentence: in other cases, it was their business to secure the supposed delinquent for trial in the court of circuit, and that, either by committing, or holding him to bail, as the gravity of the case might seem to require. Each Zillah was divided into districts of ten coss, or twenty miles square; and in each of these districts the judge was to establish a darogah, or constable, with a train of armed men, selected by himself. The darogah was empowered to apprehend on a written charge, and to take security, in the case of a bailable offence, for appearance before the magistrate. The cities of Dacca, Patna, and Moorshedabad were divided into wards, each of which was guarded by a darogah and his party, all under the ultimate superintendence of the magistrate, but subject immediately to the management of a head darogah of the city, who received the old name of Cutwal, and to whom the regulation of the market was consigned.

The magistrate was commanded to present to the Nizamut Adaulut, a report, at the end of every month, embracing the following particulars: 1. Persons apprehended, with name, date of charge, order of punishment, commitment for trial, release: 2. Casualties in regard to prisoners, by death, and removals: 3. Sentences in the court of circuit: 4. Trials under reference to the Nizamut Adaulut: 5. Sentences received from the Nizamut Adaulut: Every six months he was to transmit to the same authority a report of all convicts under confinement: And by a subsequent regulation, he was every year to present two additional reports; one of all criminal cases depending before him; and another, of the material circumstances of all the robberies and higher crimes, committed during the course of the preceding year, within the Zillah to which he belonged.[1]

[1] As authorities for the account of these institutions, see the code of Regulations, published in 1793, and the Fifth Report of the Committee on Indian Affairs in 1810.

CHAPTER VI.

1793. *Result of Lord Cornwallis's Financial and Judicial Reforms.*

OF the regulations, constituting this great revolution in the government of the Indian people, the natural consequences were, within a few years, pretty fully developed in practice; and the present is perhaps the occasion on which the instructive picture of them can with most advantage be presented to view. The trespass upon chronological order, in the case of events which scarcely fall into the ordinary channel of narration, will be amply compensated by the advantage of surveying, in immediate sequence, institutions and their results.

According to the order in which the institutions were considered, the consequences of the new system of finance come first to be described. Its more immediate object was, to establish a landed aristocracy in the persons of the Zemindars. That project, whatever character may be thought to belong to it, has completely failed.

In default of payment of their taxes on the part of the Zemindars, the security reserved for government was, to put up to sale as much of the land as would suffice to discharge the arrears. The important question, of judicature with a multitude of technical forms, or judicature without a multitude of technical forms, was curiously illustrated on this occasion. The government had established courts of law, and appointed for them a numerous list of forms through which it required much time to pass. In their own case, however, it would, they perceived, be highly desirable to obtain speedy justice. To obtain speedy justice, they saw, it would be absolutely necessary to be exempted from technical forms. To what expedient then had they recourse? To the abolition of technical forms? No, indeed! They made a particular exception of their own case. They enacted that in all suits for rent or revenue, the courts should proceed by summary process; nay, further, that in such suits the proceedings should be exempted from those fees and expenses to which other candidates for justice were appointed to

submit. By a high and conspicuous act, more expressive than words, they declared that one thing was conducive, or rather essential, to justice. They established, by their legislative authority, the very reverse. On what conceivable principle, was speedy and unexpensive justice good for the government, and not good for the people? From which of its imaginary evils was it exempt in the case of the government, and not equally so in the case of the people?

With how much inaccuracy and ignorance the measure had been taken of the moral, intellectual, and political state of the Zemindars, when it was supposed that, by rendering them proprietors of the land, under a fixed but heavy land-tax, provision was made for their prosperity, for the improvement of the country, and the happiness of the great body of the people, experience early evinced.

The selling of the lands immediately began; and proceeded with a rapid pace. In the year 1796, the land advertised for sale comprehended a rent-roll of 28,70,061 sicca rupees;[1] which, according to the total assessment, was nearly one-tenth of the whole of Bengal, Bahar, and Orissa, in a single year.[2] By the progress of this operation, the whole class of the ancient Zemindars, instead of being erected into an aristocracy, was speedily destroyed. In 1802, Sir Henry Strachey, in his answer to a list of interrogatories which had been circulated to the judges, asserted that "an almost universal destruction" had overtaken the Zemindars; and that if any survived, they were, "according to the notions of the Company's servants, reduced to the same condition, and placed at an equal distance from their masters, as their lowest ryots."[3]

A cause which accelerated, but by no means produced, the ruin of the Zemindars (for the incompatibility of their characters with the situation in which they were placed, led infallibly to the same result), was the delay which they experienced in obtaining payment from the ryots. The government had given to themselves the benfit of summary process with regard to the Zemindars. But they left the Zemindars to the tedious progress through all the technical forms of the courts in extracting

[1] Fifth Report, ut supra, p. 56. [2] Vide sum total, supra, p. 493.
[3] Answer to Interrogatories, parag. 7, in the Fifth Report, ut supra, p. 537.

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payment from the ryots. Under the observance of many tedious forms, the decisions of the courts were so slow, that in the space of two years the accumulation of undecided causes threatened to arrest the course of justice. In one district alone, that of Burdwan, the suits pending before the judge exceeded thirty thousand; and it appeared by computation upon the established space of the court, that no candidate for justice could expect to obtain a decision during the ordinary period of his life.

The collector of Burdwan stated the matter correctly, in reporting to government the following complaint of the Raja; who "submits it," he says, "to your consideration, whether or no it can be possible for him to discharge his engagements to government, with that punctuality which the regulations require, unless he be armed with powers, as prompt to enforce payment from his renters, as government had been pleased to authorize the use of, in regard to its claims on him: and he seems to think it must have proceeded from an oversight, rather than from any just and avowed principle, that there should have been established two modes of judicial process, under the same government; the one, summary, and efficient, for the satisfaction of its own claims; the other, tardy, and uncertain, in regard to the satisfaction of the claims due to its subjects; more especially in a case like the present, where ability to discharge the one demand necessarily depends on the other demand being previously realized." [1]

The effects of this system upon the minds, as well as upon the condition of the Zemindars, cannot be doubtful. In answer to an inquiry of government in 1802, the collector of Midnapore said; "All the Zemindars with whom I have ever had any communication in this, and in other districts, have but one sentiment, respecting the rules at present in force for the collection of the public revenue. They all say, that such a harsh and oppressive system was never before resorted to in this country; that the custom of imprisoning landowners for arrears of revenue, was, in comparison, mild and indulgent to them: that, though it was no doubt the intention of government to confer an important benefit on them by abolishing this

[1] Letter from the Collector of Burdwan to the Board of Revenue, dated 9th January, 1794; Fifth Report, ut supra, p. 69, and App. No. 8.

custom, it has been found, by melancholy experience, that the system of sales and attachments, which has been substituted for it, has, in the course of a very few years, reduced most of the great Zemindars in Bengal to distress and beggary; and produced a greater change in the landed property of Bengal, than has, perhaps, ever happened in the same space of time, in any age or country, by the mere effect of internal regulations."[1]

"The great men formerly," says Sir Henry Strachey, "were the Mussulman rulers, whose places we have taken, and the Hindu Zemindars. These two classes are now ruined and destroyed."[2]

We have thus seen the effects of the new system upon the Zemindars. Let us next endeavour to trace its effects upon a much more important class of men, the ryots. Unfortunately, for this more interesting part of the inquiry, we have much more scanty materials. In the documents which have been exhibited, the situation of the ryots is in a great measure overlooked. And it is from incidental circumstances, and collateral confessions, that we are enabled to form a judgment of their condition. This result itself is, perhaps, a ground for a pretty decisive inference; for if the situation of the ryots had been prosperous, we should have had it celebrated in the loftiest terms, as a decisive proof, which surely it would have been, of the wisdom and virtues of our Indian government.

When it was urged upon Lord Cornwallis, by Mr. Shore, and others, that the ryots were left in a great measure at the mercy of the Zemindars, who had always been oppressors, he replied, that the permanency of the landed property would cure all those defects; because, "where the landlord has a permanent property in the soil, it will be worth his while to encourage his tenants, who hold his farm in lease, to improve that property." It has already been shown how inapplicable this reasoning was to the case which it regarded. It now appears that the permanency, from which Lord Cornwallis so fondly expected beneficial results, had no existence; that the plan which he had established for giving permanency to the property

[1] Fifth Report, p. 60.
[2] Answer to Interrogatories, 30th Jan. 1802. Ibid. p. 586.

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of the Zemindars, had rendered it less permanent than under any former system; had in fact destroyed it. The ryots, left without any official legal protection, were intrusted to the operation of certain motives, which were expected to arise out of the idea of permanent property; and, practically, that permanence had no existence. The ryots were, by consequence, left altogether without protection.

"Fifty means," says a very intelligent and experienced servant of the Company, "might be mentioned, in which the ryots are liable to oppression by the Zemindars, even when pottahs have been given. The Zemindars will make collusive engagements, and get ryots to do so. Bajeh Kherch, and village expenditure, will go on, at a terrible rate, as it does in the Circars; and where I have no doubt but there are farmers, and under farmers, and securities, and all the confusion that arises from them; that pottahs are not given, and that village charges are assessed on the ryot as formerly." [1]

It is wonderful that neither Lord Cornwallis, nor his advisers, nor his masters, either in the East India House or the Treasury, saw, that between one part of his regulations and the effects which he expected from another, there was an irreconcileable contradiction. He required, that fixed, unalterable pottahs should be given to the ryots; that is, that they should pay a rent which could never be increased, and occupy a possession from which, paying that rent, they could never be displaced. Is it not evident, that in these circumstances, the Zemindars had no interest whatsoever in the improvement of the soil? It is evident, as Mr. Thackeray has well remarked, that in a situation of this description, it may be "the Zemindar's interest not to assist, but ruin the ryot; that he may eject him from his right of occupancy, and put in some one else, on a raised rent; which will often be his interest, as the country thrives, and labour gets cheap." [2]

It is by the judges remarked, that numerous suits are instituted by the ryots for alleged extortions. The Zemindar lets his district in farm to one great middleman, and he to under farmers, to whose exactions upon the ryots it

[1] Mr. Thackeray's Memoir, April, 1806, Fifth Report, p. 914.
[2] Ibid. p. 917.

appears that there is really no restriction. In one of the reports, in answer to the queries of 1802, we are informed, that "the interchange of engagements between the parties, with few exceptions, extends no further than the Zemindar's farmer, who is here called the sudder (or head) farmer, and to those among whom he subdivides his farm in portions. An engagement between the latter and the cultivator, or heads of a village, is scarcely known, except the general one, to receive and pay, agreeable to past and preceding years; and for ascertaining this, the accounts of the farm are no guide. The Zemindar himself, seeing that no confidence is to be placed in the accounts rendered him of the rent-toll of the farm, from the practice which has so long prevailed of fabrications and false accounts, never attempts to call for them at the end of the lease; and, instead of applying a corrective to the evil, increases it, by farming out the lands literally by auction; and the same mode is adopted in almost every subdivision of the farm."[1] This is the security which is afforded to the cultivators, by the boasted permanency of the property of the Zemindars. That any prosperity can accrue to this class of the people, or encouragement to agriculture, from such an order of things, is not likely to be alleged.

The relation established by Cornwallis between the ryot and the Zemindar, was remarkable. The Zemindar had it in his power to pillage the ryot; but the ryot had it in his power to distress the Zemindar. He might force him to have recourse to law for procuring payment of his rent; and the delay and expense of the courts were sufficient to accomplish his ruin. It is the habit of the people of India to pay nothing until they are compelled. A knowledge that they might always ward off the day of payment to a considerable distance, by waiting for prosecution, was a sufficient motive to a great proportion of the ryots to pursue that unhappy course, which, in the long run, was not less ruinous to themselves than to the Zemindars.

The following picture of these two great classes of the population, is presented by a high authority. "By us all is silently changed. The ryot, and the Zemindar, and the

[1] Answer of Mr. Thompson, Judge and Magistrate of Burdwan, Fifth Report, p. 544.

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gomastah, are by the levelling power of the Regulations, very much reduced to an equality. The protecting, but often oppressive and tyrannical, power of the Zemindar, and the servitude of the ryot are at an end. All the lower classes,—the poorest, I fear, often in vain—now look to the Regulations only, for preserving them against extortion and rapacity. The operation of our system has gradually loosened that intimate connexion between the ryots and the Zemindars which subsisted heretofore. The ryots were once the vassals of their Zemindar. Their dependence on the Zemindar, and their attachment to him, have ceased. They are now often at open variance with him; and, though they cannot contend with him on equal terms, they not unfrequently engage in law-suits with him, and set him at defiance. The Zemindar, formerly, like his ancestors, resided on his estate. He was regarded as the chief and the father of his tenants, from whom all expected protection, but against whose oppressions there was no redress. At present the estates are often possessed by Calcutta purchasers, who never see them; and whose agents have little intercourse with the tenants, except to collect the rents." [1]

"The ryots," says the same excellent magistrate, "are not, in my opinion, well protected by the revenue laws; nor can they often obtain effectual redress by prosecuting, particularly for exaction and dispossession." And these are the very injuries to which they are most exposed. The reason Sir Henry immediately subjoins. "The delay and expense attending a law-suit are intolerable, in cases where the suitor complains, which almost invariably happens, that he has been deprived of all his property. The cancelling of leases, after the sale of an estate for arrears, must frequently operate with extreme harshness and cruelty to the under tenants." [2]

The Indian Government, in their observations addressed to the court of Directors, "appeared," say the Select Committee of the House of Commons, "unwilling to admit that the evils and grievances complained of, arose from any defects in the public regulations. The very grounds

[1] Report by Sir H. Strachey, in 1802; Fifth Report, p. 564.
[2] Sir H. Strachey's Answer to Interrogatories, Fifth Report, ut supra, p. 528.

of the complaints, the government observed, namely those whereby the tenantry were enabled to withhold payment of their rents, evinced that the great body of the people, employed in the cultivation of the land, experienced ample protection from the laws, and were no longer subject to arbitrary exactions."[1] That the great body of the people enjoyed protection, because they could force the Zemindars to go to law for their rent, is an inference which it would be very unwise to trust; which appears to be, as there is no wonder that it should be found to be, contrary to the fact. But suppose the fact had been otherwise; and that the ryots received protection; was it no evil, upon the principle of the Regulations, that the Zemindars were ruined? Yet so it is, that the organ of government in India found this ruin, when it happened, a good thing; affording, they said, the satisfactory reflection, that the great estates were divided into small ones; and that, by change of proprietors, the land was transferred to better managers.[2]

Upon the review of the conduct of the government, in thus praising, one after another, the results of the new system, whatever they might be, those originally expected from that system, or the very reverse; the same Committee of the House of Commons, though commonly very reserved in their censorial essays, observe, "It was thus, in explaining to the authorities at home the effects and tendency of the new system, that the government in India generally found something to commend. When the operation of the regulations proved adverse to their expectations, in one respect, in another, something had occurred to console them for the disappointment."[3] In fact, they only pursued the grand highway, the beaten common track, of misrepresentation; a track in which the instruments of government, as far as concerns their own operations and the apparatus to which they have attached their interests, can seldom be without a motive to tread. The evil effects, which cannot be concealed, are represented as trivial. All those, which are not calculated to force themselves upon the public attention, are carefully covered from view. Every effect, which is either good, or absurdly supposed to be so, is exaggerated and extolled. And many good effects, which it is in reality of a nature to obstruct rather than

[1] Fifth Report, ut supra, p. 55. [2] Ibid. p. 57. [3] Ibid. p. 57.

BOOK VI. CHAP. VI. produce, are ascribed, by some through ignorance, by others from fraud, to the object, whatever it is, which it is the wish to applaud.

1793. The unhappy reluctance of the Indian rulers, to see any imperfection in the scheme of government which they had devised, was, however, at last, overcome. A Regulation, or law, was promulgated in 1799, the preamble of which acknowledged, "that the powers allowed the landholders for enforcing payment of their rents, had, in some cases, been found insufficient; that the frequent and excessive sales of land, within the current year, had been productive of ill consequences, as well towards the land proprietors and under tenants, as in their effects on the public interest, in the fixed assessment of the land-revenue; that the Zemindars were understood to have made purchases of their own lands in fictitious names, or in the names of their dependants, the object of which was to procure, by fraudulent means, a reduction of the rate of assessment."[1] For remedy of the evils, now at last acknowledged, it was enacted, that the Zemindars should have the use of summary process, with the power of attachment and sale, in realizing their rents. The reflections of Sir Henry Strachey, upon this reform of the new law, eminently merit the attention of both the philanthropist and the statesman. "In passing," says this highly-respectable witness, "the seventh regulation, 1799, it was, I believe, the design of government (a very reasonable and liberal design in my opinion) to enable the Zemindars to collect their just demands of rent, with punctuality, and without expense. And I think it would have been just and considerate at the same time, to have facilitated to the ryots the means of obtaining redress against extortioners. But the fact is — the ruin of one Zemindar being more conspicuous at the Sudder than that of 10,000 ryots, his interests naturally attract the attention of the legislature first; and as, in the proposal of any plan connected with finance, it is required to set out with the maxim, that the sudder jumma can on no pretence be lowered, there remains no other resource for helping the Zemindars, than the restoration of part of the power they possessed of old to plunder their tenants. Exaction of revenue is now, I

[1] Fifth Report, ut supra, p. 61.

presume, and, perhaps, always was, the most prevailing crime throughout the country. It is probably an evil necessarily attending the civil state of the ryots. I think it rather unfortunate than otherwise, that it should be less shocking to humanity than some foujdarry crimes. I know not how it is that extortioners appear to us in any other light than that of the worst and most pernicious species of robbers. It will be found, I believe, that the condition of husbandmen in eastern countries, is incompatible with security, and that sort of independence which enables men to maintain themselves against oppression and violence. The public revenues, which are in reality the rent of land, are, throughout the East, collected by a system of extortion, violence, and barbarity of every kind." After alluding to the attempts, not without a partial success, which had been made by the Company's government, for the redress of that great class of evils, Sir Henry goes on to say, "The frequency, however, of the attachments and sales, under the Regulation of 1799, would alone serve to prove, that the revenues are not collected without extreme misery to the ryot." Two circumstances will be sufficient to show the unlimited oppression to which the ryots stand exposed. The first is, that the Zemindars are empowered to distrain, previous to a legal judgment, "without adducing," to use the language of Sir Henry, "any evidence of their claim before they proceed to enforce it, and acting as judges in their own cause." The second circumstance is, that "the ryots are almost totally deprived of the power of seeking redress, by the expense of the courts of law."[1] Knowing this, can any one be surprised, when Sir Henry Strachey declares, "The laws regarding attachments are greatly abused, and are productive of extreme oppression."

Some diminution in the outstanding balances, and some improvement in the sales of the estates of Zemindars, having become a subject of boast; it is to the regulation, which authorized the above-stated oppressions, that "this effect," says Sir Henry Strachey, "is chiefly to be ascribed Yet," he adds, "as if the mode in which the rents are levied, and the condition of the ryots, were matters not necessary to be noticed, it is frequently pronounced at

[1] See, below, under the head of Justice, p. 382, 383.

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once, as a position admitting of no doubt, that these favourable sales afford a substantial proof of the lightness of the assessment, and of the flourishing state of the country."[1]

The important subject of judicature, or the effects of the regulations contrived for the dispensation of justice, next call for our attention.

The Committee of the House of Commons remark, that so inadequate was the provision for judicature to a population of 27,000,000,[2] when the collectors alone were the

[1] Nothing is more remarkable than the propensity of all sorts of persons connected with the Indian government, to infer from anything, or everything, "the flourishing state of the country." Here is one instance of the curious premises from which the inference is apt to be drawn. The man who explores, with any degree of attention, the documents of Indian history, will be at no loss for others. Another is adduced by Sir Henry Strachey, on the same occasion, and its insufficiency pointed out. "To those who are tolerably well acquainted with the internal state of the country, it is known," says he, "that the population, unless checked by some great calamity, constantly increases very fast. Increasing cultivation necessarily follows population. The want of courts of justice, of a regular system of police, prevents not the prosperity of the provinces subject to the Mahrattas. Where no battles are fought, where the ryots remain unmolested by military exactions, where the Zemindar or his agent are seldom changed, the lands of the Mahrattas, in the neighbourhood of this district (Midnapore) are in a high state of cultivation, and the population is equal, frequently superior to ours. From the circumstance of increasing population alone, we cannot, as many pretend, draw an inference of very high prosperity and good government." In fact, where marriage at the earliest marriageable age is a religious duty of the strongest obligation, and to die without having a son, the greatest of misfortunes, nothing but extreme misery can prevent the rapid increase of population; and when a vast quantity of good land still remains to be cultivated, nothing can be the cause of such misery but bad government. "To imagine," continues the same enlightened observer, "that the population has increased, solely in consequence of our system of internal administration, appears to me most erroneous. Under the native government, the population had reached its utmost height, or very near it. Thirty years ago, nearly half the people were swept away, by the greatest famine recorded in history. Ever since that period, except in 1790, when a partial famine happened, the numbers have been gradually increasing. I do not know that the increase has been more rapid, during the last ten years, than during the twenty preceding; although most of the abuses of the native governments, and many new abuses of our government, prevailed throughout the greater part of the last-mentioned period. Supposing the country to enjoy peace, I cannot easily conceive internal mismanagement so excessive, as to stop the increase of population." See for these, and the quotations in the text, Answer to Interrogatories in 1802, Fifth Report, ut supra, p. 530–532.

[2] The Committee complain that they still remain in the dark respecting this important article of knowledge; and that the estimates formed by the best informed of the Company's servants, betrayed, by their discrepancy, ignorance so profound of the field of inquiry. The first estimate, upon the acquisition of the Dewannee, made the population of the three provinces, Bengal, Bahar, and Orissa, 10,000,000. By Sir William Jones it was computed to be 24,000,000; Mr. Colebrooke made it 30,000,000. The Committee take the medium between the conjectures of Jones and Colebrooke, and call it 27,000,000. Report, ut supra, p. 62.—M.

The Committee allude to the returns called for by Lord Wellesley, in 1801, although they attach no credit to the results. From a comparison with other inquiries, since made, they appear to have erred chiefly in being under-rated.

judges, that the people, among themselves, must have settled the greater number of their disputes, "by modes peculiar to their tribes or castes, or by reference to their *gooroos*, or spiritual guides;" that it was the object, on the other hand, of Lord Cornwallis, to afford the means of a regular judicial decision, in every case, to every inhabitant of the country, "without any impediment from the distance the complainant would have to travel for redress;" an object so essential undoubtedly to goodness of government, that it is the principal end of its institution.

It soon appeared, however, that the provision made for this important business was ill adapted to its end. The tedious forms through which the judges had to travel, permitted them to decide so small a number of causes in a given portion of time; and the delay and uncertainty which attended a technical and intricate mode of procedure, afforded so much encouragement to dishonest litigation, that the pace of decision fell prodigiously behind that of the multiplication of suits; and the path of justice might, in some places, be regarded as completely blocked up.

A more melancholy exhibition of the weakness of the human mind, arising from the wretched nurture which it still receives, cannot easily be discovered or conceived, than that which appears in the proceeding we are next to relate.

To obviate the disproportion which was found to exist between the number of judicial decisions and the occasions for them, two rational expedients presented themselves. One was to disencumber the Courts of every operation not essential to the ends of justice; by which means they might have been enabled to get through with a much greater number of causes. If, even by the most expeditious mode of procedure, the Courts were unable to decide as many causes as were brought to them, the case was plain: the number of courts was too small for the business

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The population of Bengal and Bahar, according to Hamilton, is above thirty-six millions, and that of Benares three millions. The population of Orissa is estimated by Stirling at 1,296,000 exclusive of the hill tribes, whose numbers could not be ascertained.—W.

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of the country, and, wheresoever necessary, ought to have been increased.

This was not the course pursued by the Anglo-Indian government. No. To ease the pressure upon the Courts, they enacted, that every man who applied for justice should be punished; literally punished; as if the application for justice were a crime; in hopes that many persons, if they were punished on account of their applying for justice, would cease to apply. Government enacted, that every applicant for justice should be fined; that is, should be compelled to pay a sum of money upon the institution of a suit; and various other sums during the progress of it, by the imposition of taxes upon the proceedings: all for the declared purpose, the sole purpose, of driving people away from the Courts. Such was the scheme for the better administration of justice, which was devised by British legislators in the year 1795; such the scheme, the existence of which they still approve; and finally, such is the scheme which obtained the applause of a Select Committee of the British House of Commons in the year 1810.[1]

Nothing is more easy than to lessen the business of the Courts of law: to diminish it to any proposed extent; to produce its annihilation. What are the means? The most obvious in the world; denial of justice. Decree that no person whatsoever who is less than six feet high, shall be admitted to sue in a court of justice; and you will reduce the business to a very manageable quantity: decree that no man who is less than eight; and you reduce it to nothing. A man's stature is surely as good a test to judge by, whether he has received an injury, as his purse.

The delusion is so gross, which in this case produces its effects upon the minds of the deluded, that the contemplator is astonished at finding men who are subject to its influence still occupying, and that almost exclusively, the seats of power.

Of the two parties to a suit it is not of absolute necessity that either should be dishonest: because the case may have in it such obscurity as to require the decision of a judge. But these cases are, or at any rate, if there was a good code of laws, would be very rare. In by far the

[1] Fifth Report, p. 63.

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greater proportion of cases, when law-suits are numerous, one of the parties is intentionally dishonest, and wishes to keep or to gain some unjust advantage.

When legislators, therefore, propose to drive people from the Courts of Justice by expense, they must of necessity imagine that it is the dishonest parties only whom the expense will deter; for it would be dreadful to make laws to prevent the honest from receiving a legal protection. But is it easy for the wit of man to frame a proposition stamped with stronger characters of ignorance or corruption than this? That to render access to justice difficult is the way to lessen the number of crimes. What is the greatest encouragement to injustice? Is it not every thing which tends to prevent immediate redress. What is the greatest discouragement to injustice? Every thing which tends to ensure immediate redress. But tedious and expensive forms of law, of which uncertainty is a consequence, have the greatest tendency to prevent immediate redress. They are, therefore, a great encouragement, not a hindrance to injustice.

Let us contemplate the motives which actuate the two parties to a civil suit, the just, and the unjust. The unjust man is actuated by the desire, wrongfully to retain, or wrongfully to obtain, possession of an article of property. The just party is actuated by the desire, rightfully to obtain, or rightfully to retain, the same possession. What is the evil, the hazard of which the unjust man incurs? The costs of suit. What is the good the chance of which he obtains? The whole of the property forming the subject of dispute. It is evident, that a very slender chance in the latter case may outvalue all that is risked in the former. It is evident, that, considering the great propensity of mankind, particularly of the dishonest part, to over-value their own chances of good fortune, the risk of the costs will in many instances be run, where the chance of success is exceedingly small. In the case of sums of any considerable amount, the advantage of retaining the property, even during the long period which under an intricate form of procedure is required to arrive at the execution of a decree, may be more than a compensation for all the expense which it is necessary to incur.

Even in those cases in which the expense bears a great

proportion to the value of the matter in dispute; those cases in which the value of the property is moderate; what are the motives by which the honest and dishonest litigant are liable to be impelled? On the side of injustice there is, first, the certain advantage of delay, and there is, secondly, the chance of success. On the side of justice there is only the chance of success.

Suppose then chances of success to be equal; the motives to incur the expense of a law-suit would in that case be always greatest on the side of the dishonest litigant; none, therefore, but the injured is in that case liable to be deterred from law-suits by fines upon the application for justice.

As it is evident that, in proportion to the chance which injustice has for success in the Courts of Justice, the greater is the motive which the unjust man has not to be deterred, and the just man has to be deterred by the expense; so it is also evident that this is not all: it is evident, that the motive of the unjust litigant is not proportioned to the real chance which he has for a decision favourable to his injustice; but that it rises to the pitch of his own exaggerated estimate of his chance of success. Now, in all systems of procedure, which by technical forms render the judicial business complex, intricate, full of subtlelies and snares, the chance of success to injustice, in a vast proportion of cases, is very great. This chance, most assuredly, is the producing cause of a great proportion of law-suits. This, together with the advantages of delay, derived from the same system of forms, is, where the corruption of the judge is not contemplated, accountable for all suits at law, except that comparatively small number, in which the right of the honest man is really a matter of obscurity and doubt. In all cases, therefore, in which the unjust man estimates this chance at more than the expense of a suit, it is not the man who injures, but the man who is injured, whom the fine upon justice operates to deter. In all such cases the fine upon the application for justice has no other effect that to compel the honest man to submit to iniquity; no other effect than that of affording a province to injustice, in which it may range at will.[1]

[1] In India the actual state of the facts is asserted, upon the experience of Sir Henry Strachey, one of the most respectable of the Indian judges, and an

In all cases then, in which this expedient does not deter the unjust litigant, it is mischievous beyond expression. The cases in which it can deter the unjust litigant must always be few; because it is evident, that the motive, under the present state of the law is very great to unjust litigation, and that the counter motive, arising from a certain addition to the expenses of suit, is in comparison small. If it be considered that all litigation is caused by the motive to injustice, unless in the comparatively small number of cases in which the point of right is really doubtful, it must be regarded as a motive very powerful, since it governs the conduct of so great a number of men. If it be considered that the only force employed, by the new expedient of the Indian government, to counteract this motive, is a certain difference of expense, it will not be regarded as possessing much efficacy to deter from litigation the man who expects from it an unjust advantage.

Thus stands the case with regard to the class of suitors who can endure the oppression of a law-suit, rendered, expensive by legislative design. There is, however, a different class of persons; a class of persons including the whole population, with the deduction of a small proportion; and how stands the case with regard to them? They are utterly unable to defray the expense of a law-suit, rendered costly and oppressive by legislative design. They are, by consequence, excluded from the Courts of Justice. A barrier, altogether insurmontable, is set up between them and the services of the judge. Except in the cases affecting the public peace, and calling for public prosecution, justice is denied them. They are placed out of the protection of law. In this, the most large, and, by its largeness, the most interesting and important, of all the portions of the demand for justice, the man who intends injustice clearly sees, that he may perpetrate his pur-

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honour to the judicial character, to be this: That "out of 100 suits, perhaps in five at the utmost," the plaint of the prosecutor is unfounded. In ninety-five, then, out of every 100 cases, the plaintiff has a right to a decision. In all that vast proportion of cases, with the small exception of those in which the point of justice may be doubtful, the defendant is an injurer; and everything which has a tendency to prevent the law-suit, has a tendency to defraud the innocent, reward the guilty. Answer to Interrogatories, Fifth Report, ut supra, p. 526.

pose in absolute safety. The poor man is debarred from even the application for redress. It must be confessed, then, that in this large department of the field of justice, law-suits are prevented by expense; effectually prevented, by rendering plunder and oppression, without remedy, the lot of the innocent, and holding out the premium of perfect impunity to injustice.

A provision, indeed, was made for persons suing in the character of poor. But to how little effect that provision exists any where, no words are necessary to make known.

A mode of procedure, inartificial, expeditious, and cheap, before native commissioners, provided for suits on account of small sums, though much more useful, was extremely inadequate to the extent of the demand.[1]

[1] "The expense and delay," says Sir Henry Strachey, "to which ryots are subject in prosecuting their suits are, to my knowledge, excessive. For the truth of this, I would refer to the records of any Registrar in Bengal. The duty of deciding revenue causes, for a small amount, under the operation of the present regulations, has fallen chiefly on the Registrars. The rights of the inferior ryots are seldom discussed in the superior courts. The welfare of those from whom all revenue, and even subsistence, must be derived—who are the poorest, the weakest, and most numerous—is a matter of importance; and not unworthy of the notice of government. I have therefore thought it my duty to dwell on this subject with some minuteness. It must, I am sure, constantly happen, that a ryot gives up his prosecution in despair, on finding his power of continuing it beyond his power to sustain!—Exaction of revenue is peculiarly difficult of proof. Either no engagements exist, and no accounts can be found; or they are extremely defective and perplexing. It is not the original fee, on the institution of the suit; but the subsequent charges, on exhibits, and on witnesses, that appear to me intolerable. I have often seen a suitor, when stripped of his last rupee, and called upon for the fee on a document, produce in court a silver ring or other trinket, and beg that it might be received as a pledge; and after all, perhaps, he was cast for want of money to bring proof." On the subject of delay, this judge observes: "The cultivators are unable to support themselves at the Sudder, during a procedure of two or three months. They cannot return to their houses without submitting to their oppressor. They must have speedy justice, or none."

The pretended relief afforded by the power of suing in *formâ pauperis*, he shows, is more burdensome than paying the fees. The number too of the persons who sue in this form suggests important reflections. "Half the complainants, in the Dewanny Adaulut of this Zillah, appear as paupers, although these find much difficulty in complying with the regulation intended for the relief of paupers. No man can be admitted to prosecute as a pauper, till he brings two witnesses to attest his poverty, and two securities for his personal appearance; and no one can well do this without, at least, maintaining himself and them, during their absence from home. But the expense of such maintenance must exceed that of the fees and stamp-paper."

On the pretext of checking litigiousness by expense, he asserts, that there are *no litigious plaintiffs*, or at most very few, and that law-suits are almost always produced by the dishonesty of the defendant. Checking litigiousness, then, by expense, is merely fining a plaintiff for seeking justice; compelling the honest man to remain a prey to the cheat. In some few prosecutions, the dishonest intention is on the side of the plaintiff, when false demands are supported by false evidence. But he asserts, that the proportion of false and frivolous demands, both taken together, amount not to five in a hundred of

The expedient, for proportioning the number of law-suits to the powers of the courts of justice, by rendering justice more oppressive than injustice; irrational as it was in principle, and atrocious in practice, failed in another respect. It produced not the effect for which it was intended. In spite of all the exertions which could be made, and in spite of repeated augmentations of law expenses, the number of causes remaining undecided, in 1801, was so great as to excite the attention of the Court of Directors; who pointed it out to their government in India, as an evil calling loudly for redress. In 1803, on "the almost incredible number of causes undecided," they remark, that, "to judge by analogy of the courts in Europe, they would be induced to think so great an arrear could scarcely ever come to a hearing, in the year 1802,

those which are just and substantial. Contrary to the usual prejudice, he affirms, "The complaints of these people are seldom or never litigious, brought forward merely from the quarrelsome disposition of the prosecutor."

If suits, he said, were prevented, by increasing the expense, all that could be inferred was, that few could afford to pay: "but a man is disabled from sustaining expense, in proportion as he is poor, and not in proportion as he is litigious."

The notions of this Indian Judge, on the subject of judicature, were very different from those of the governing men in India and in England. "It is my opinion," said he, "that the nearer we approach to the rule of granting to all speedy justice, without any expense whatever, the nearer we shall, in our judicial system, approach perfection. It will not, I imagine, be denied, that it is desirable, the least tedious, and least expensive mode of obtaining redress, should be open, where an injury has really been suffered. When a poor man has been oppressed, he should be freed from trouble and expense, and assisted and encouraged, as far as possible, in prosecuting his complaint. He is not, in such a situation, a fair object for taxation. It does not become the ruling power to add to his misfortune by levying impositions upon him. It is clear that a ryot, from whom undue rent has been exacted, must feel the charge of stamp and fees to be a severe aggravation of his distress." What is the consequence? That which must of necessity follow—that which might be expected to call forth all the attention of Englishmen—but which to this late period appears to have called forth none: "That the ryots, though now more independent (not from oppression) are much worse protected from distress than heretofore." For these quotations from Sir Henry Strachey, see the Fifth Report, ut supra, p. 525 to 532.

Sir Henry Strachey is not the only one of the Judges in India from whom a British parliament and British rulers, both in London and Calcutta, might receive important lessons. The report from the Judges of the Court of Circuit and Appeal at Moorshedabad, consisting of Mr. Colebrooke, Mr. Pattle, and Mr. Rocke, in 1802, says, "The increased expense of law-suits has never been found to check litigiousness. On the contrary, it has been generally observed, that litigiousness is encouraged thereby, in the hope that the certainty of the expense, added to the uncertainty of the result, might deter parties from defending even just rights. On comparing the half-yearly reports of the several adauluts in this division, it does not appear that the number of suits, filed since the establishment of the fees and stamp duties, differs much from the number filed, in a similar period, previous thereto." Fifth Report, p. 519.

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the government resolved on instituting, where necessary the office of an assistant Judge; on extending the jurisdiction of the native commissioners; and on allowing a more expeditious mode of procedure in sums of a small amount. "Subsequent reports," say the Select Committee of the House of Commons, "are not calculated to show that the difficulty of keeping down the number of cases, depending on the file, has at all diminished; or that the means resorted to for that purpose, have been as successful as was expected." And they quote a despatch, of a date so late as March, 1812, in which the Directors express themselves in the following extraordinary terms. "We should be very sorry, that, from the accumulation of such arrears, there should ever be room to raise a question, whether it were better to leave the natives to their own arbitrary and precipitate tribunals, than to harass their feelings and injure their property, by an endless procrastination of their suits, under the pretence of more deliberate justice."[1]

Of the extent to which they are harassed, and the evils which so defective a system of judicature produces, some conception may be attained by the following quotation from a report of one of the Judges of circuit. "The commitments for breaches of the peace, arising from boundary disputes, and other contests concerning landed property, are ascribed to the great, though unavoidable arrear of untried causes pending in some of the courts: since by necessarily protracting, for years, the decision of suits, it frequently drove the suitors to despair; and induced them to run the risk of taking justice into their own hands, by seizing the object in dispute, rather than to await the tardy issue of a process, which threatened to exceed the probable duration of their own lives."[2]

The Court of Directors appear, in that despatch of theirs which has been recently quoted, to imagine that the choice lies exclusively between the present institution, of which the evils are so enormous, and the arbitrary and precipitate system of the natives. A slight degree of reflection, exempt from the shackles tied upon their minds by custom and authority, would point out to them another course,

[1] See for the above quotations, the Fifth Report, ut supra, p. 63, 64.
[2] Ibid. p. 65.

infinitely preferable to both. Let them give to the people distinct definitions of their rights in an accurate code, and give them courts of justice, which will decide not precipitately, but carefully; free, however, from technical impediments, and therefore quickly; and they will both enable their courts to investigate a greater number of causes; and will exceedingly reduce the number of suits.

It is the admirable effect of an excellent administration of justice, that it prevents the very intention to commit injury, by making it certain to every one that injustice will be disappointed of its aim. Who would go into court for a decision, aware that his cause was bad, if he knew that its merits would be accurately explored, and justice immediately awarded? In this case, the minutest portion of benefit could not be expected from iniquitous litigation. Iniquitous litigation, therefore, would cease. And after the deduction of suits instituted or provoked for purposes of injustice, very few in comparison would remain. But the case is altogether different, when a man knows that it will be months, or perhaps years before his injustice will come in turn for investigation; that even then, it is only ceremonies that are to be performed, for a considerable space of time, will the merits of the question remain unexplored; that the law is unwritten, arbitrary and obscure; that the procedure is exceedingly difficult to follow without mistakes; and that on these mistakes, totally regardless of the merits of the question, the decision may finally depend. The advantages of injustice, in a state of things like this, are so very numerous, and the encouragement to unjust litigation so very great, that the multiplication of suits may be regarded as a natural and unavoidable result.

No proposition, derived from political experience, may be relied on more confidently than this. That the multiplication of law-suits is a proof of the bad administration of justice: that a perfect administration of justice would almost annihilate litigation: and that the attempt to reduce it by any other means, such as that of expense, is to hold out encouragement to plunderers, and to deny protection of law to the honest and just.

When any great public duty is to be performed, and the number of performers is found to be too small for the de-

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mand, the most obvious of all expedients is to increase the number. With regard to this expedient for enabling the government in India to do justice between its subjects, the Committee of the House of Commons made an extraordinary declaration in the year 1812. "An augmentation of the number of European Judges, adequate to the purpose required, would be attended with augmentation of charge, which the state of the finances is not calculated to bear; and the same objection occurs to the appointment of assistant Judges."[1] Never, since man had the use of language, was a more terrible condemnation of any government pronounced. Of all the duties of government, that of maintaining justice among the people is the foremost. This, in fact, is the *end* for which it exists. Here is said to be a government, which raises upon the people a revenue so vast, that, by avowed intention, it is literally all that they can bear: that is, oppressive to the highest pitch which oppression can reach without desolating the country; and all this revenue is squandered away, till not a sufficiency remains to hire judges for the distribution of justice![2]

What is made of all this money? To what preferable purpose is it applied? High matter, in large quantity, would be contained in a proper answer to these questions.

Having surveyed the effects which practice and experience have made visible, to those that least enjoy the powers of reflection, of the Regulations made for decision upon the civil rights of the people of India; we come, in order, to the effects which have been produced by the Re-

[1] Fifth Report, p. 65.

[2] The evil arises, in a great measure, out of the anomalous constitution of the government. Foreign judges can neither be so numerous or so cheap as native judges. Unfortunately the latter are not equally effective—they may become so, and it is undoubtedly the duty of the government to promote their efficiency, and thus remedy the great want, the disproportion between the Courts of Justice and the population. The measure has been adopted, of late years, of employing natives in the administration of the civil law to a much greater extent, and on a more liberal scale than formerly. The result has been beneficial, although to what extent is not yet determined. Even before the policy was formally introduced, some steps towards its fulfilment had been made, particularly at Madras; and some of the consequences are thus described by a competent authority. "The experience acquired at Madras, where native agency has been largely resorted to for more than twelve years in judicial duties, does not justify the apprehension that natives are liable to prove corrupt judges. During that period they have decided, on an average, upwards of 60,000 suits in the year, to the general and growing satisfaction both of the people and of their official superiors. Minute of D. Hill, Esq., on Judicial and Revenue Administration. March, 1830. Appendix to the Report of the Select Committee. August, 1832, p. 179.—W.

gulations made for the suppression of crimes, including both penal judicature and police.

In two ways, a system of legislative provisions for the suppression of delinquency may be defective. The burdens which it imposes, in the way of expense, and in the way of infliction, may be too heavy. It may not answer its end; instead of completely repressing offences, allowing them continually to increase.

In regard to burdens, under the reforms which we are now contemplating, expense was increased. The inflictions, according to the idea of Englishmen, were mitigated; but the banishments, substituted for the mutilations, seem to be regarded with still greater horror by the natives than the mutilations themselves. It is unnecessary to dwell upon this topic. The most important point for contemplation is, the diminution or increase of the security of the people by the increase or diminution of crimes. In this respect, too, the effect of the English Regulations have been deplorable.

Of all the crimes by which the private members of the same community infest one another, robbery, in the idea of which are included plunder and murder, is the most deeply fraught with mischief, both by the evil brought upon the immediate victims, and by the alarming sense of insecurity which the prevalence of that crime strikes into the mind of almost every individual in the community. This, the highest of all crimes, assumes an aspect peculiarly terrible in India; where the robbers (in the language of the country *dacoits*) form themselves into confederacies, and perform their crimes with a combination of forces which it is not easy to resist. This class of offences did not diminish under the English government, and its legislative provisions. It increased, to a degree highly disgraceful to the legislation of a civilized people. It increased under the English government, not only to a degree of which there seems to have been no example under the native governments of India, but to a degree surpassing what was ever witnessed in any country in which law and government could with any degree of propriety be said to exist.

The testimony of the judges, and other officers of the Company's government, shall be adduced, as much as pos-

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sible, in their own words. "The crime of dacoity" (that is robbery by gangs), says Sir Henry Strachey, in his report as judge of circuit in the district of Calcutta in the year 1802, "has, I believe, increased greatly, since the British administration of justice. The number of convicts confined at the six stations of this division (independant of Zillah twenty-four pergunnahs) is about 4000. Of them probably nine-tenths are dacoits. Besides these, some hundreds have of late years been transported. The number of persons convicted of dacoity, however great it may appear, is certainly small, in proportion to those who are guilty of the crime. At Midnapore, I find, by the reports of the police darogas, that, in the year 1802, a period of peace and trnnquillity, they sent intelligence of no less than ninety-three robberies, most of them, as usual, committed by large gangs. With respect to fifty-one of these robberies, not a man was taken; and for the remaining forty-two very few, frequently only one or two in each gang. It must not be supposed that dacoity prevails in the district of Midnapore to a greater extent than in other districts of this division; on the contrary, I think there is less, except perhaps in Beerbhoom. In Burdwan there is certainly three or four times as much."[1]

The judge of circuit in the Rajeshahye division in 1808, in a letter to the Registrar to the Nizamut Adaulut, says, "It is with much diffidence I address the Nizamut Adaulut on the present occasion; for I have to propose measures, the nature of which they, I know, are generally averse to. I do not wait till the end of the circuit, when, in the course of official routine, I should have to make a report to the court; because the evil which I complain of is great, and increasing; and every instant of delay serves only to furnish new victims to the atrocities which are daily committed.—That dacoity is very prevalent in Rajeshahye has been often stated. But if its vast extent were known: if the scenes of horror, the murders, the burnings, the excessive cruelties, which are continually perpetrated here, were properly represented to government, I am confident that some measures would be adopted to remedy the evil. Certainly there is not an individual, belonging to the government, who does not anxiously wish to save the people

[1] Fifth Report, p. 559.

from robbery and massacre. Yet the situation of the people is not sufficiently attended to. It cannot be denied, that, in point of fact, there is no protection for persons or property. Such is the state of things which prevails in most of the Zillahs in Bengal. But in this it is much worse than in any other I have seen. I am fully persuaded, that no civilized country ever had so bad a police, as that which Rajeshahye has at present."[1]

Mr. Dowdeswell, the secretary to government, in a report which he drew up, in 1809, "On the general state of the police of Bengal," says; "Were I to enumerate only a thousandth part of the atrocities of the dacoits, and of the consequent sufferings of the people; and were I to soften that recital in every mode which language would permit, I should still despair of obtaining credit, solely on my own authority, for the accuracy of the narrative." He goes on to state, that, "Robbery, rape, and even murder itself, are not the worst figures in this horrid and disgusting picture. An expedient of common occurrence with the dacoits, merely to induce a confession of property, supposed to be concealed, is, to burn the proprietor with straw or torches, until he discloses the property, or perishes in the flames. And when they are actuated by a spirit of revenge against individuals, worse cruelties, if worse can be, are perpetrated by those remorseless criminals. If the information obtained is not extremely erroneous, the offender, hereafter noticed, himself committed fifteen murders in nineteen days: and volumes might be filled with the atrocities of the dacoits, every line of which would make the blood run cold with horror."[2]

Mr. Dowdeswell inserts an abstract of three trials which had been recently adjudged in the court of Nizamut Adaulut. It is highly proper that one should appear as a specimen. The prisoners, nine in number, were charged with being the principal actors in a gang of robbers, who on the night of the 27th August, 1808, perpetrated the enormities which the prosecutor related, as follows: "That about twelve o'clock on the night on which the robbery and murders took place, he was sleeping in a house at a short distance from that of his father, and being awoke

[1] Fifth Report, p. 586. [2] Ibid. p. 603.

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by the noise of robbers, went out, and saw that a party of about fifty dacoits had attacked his father's house; that, from fear, he concealed himself in a plantain garden, within fifty yards of the spot, from whence he saw the robbers drag out from the house his father and mother: and, after binding their hands and feet, apply lighted straw and torches to their bodies, demanding of them, at the same time, to point out where their money was concealed; that the unfortunate people assured them they had none; but that the robbers, proving inexorable, went into the house and brought from it a quantity of hemp, which they twisted round the body of Loharam, and, after after pouring on it ghee, or clarified butter, to render it more inflammable, set fire to it:—That they then procured a quilt from the house, which they also moistened with ghee, and rolled round the body of Loharam:—That the prisoners Balka Sirdar, Nubboo Sirdar, and Kunkye Cupally, at the direction of the prisoner Bulram Sirdar, threw the prosecutor's father on the ground, and keeping him down with a bamboo which they held over his breast, set fire to the quilt:—That at this time the cries of the unfortunate man were most shocking, the robbers continually calling on him to tell where his money was, and he assuring them that he had none, and imploring them to take his cows, or anything they might find in his house:—That the robbers, however, still proceeded to further cruelty, having procured some mustard-seed, and torn up the flesh of Loharam's breast, by drawing a large bamboo several times across it, pounded the mustard-seed on the sores, with a view to make the torment more excruciating:—That, at the same time, the mother of the prosecutor was tortured nearly in the same manner, by the robbers tying hemp round her body, and setting fire to it, and dragging her about from place to place, by the hair of her head, calling on her all the while to tell them where her husband's money was concealed; and also calling out on the prosecutor by name, to come and witness the state of his father and mother:—That these cruelties, together with the plunder of the house of Loharam and other ones adjacent, continued until between three and four o'clock in the morning, at which time the robbers departed; and that the prosecutor, on going up to his father and mother,

found them most dreadfully mangled, but still alive; that his father expired about noon, and his mother not till the following morning. The prisoners whom the prosecutor swore to have recognized at the murder of his parents, in addition to Bulram Sirdar, Balka Sirdar, and Kunkye Cupally, before mentioned, were:—Dacooa Sirdar, Shookoor Peada, Mudary Peada, Kallichurn Ghose, and Nubboo Sirdar; and he also specified Casinauth Bagdy, and Gudda Barooge."

"Several witnesses on the part of the prosecution (inhabitants of the village) confirmed the circumstances related by the prosecutor.

"The court, in consequence, sentenced the prisoners convicted, nine in number, to suffer death."[1]

The other two cases are of a similar character. One of them relates to the robbery of an English gentleman whose house was plundered, who was himself loaded with indignity, and some of his servants murdered. "An accurate judgment," says the secretary of the Indian government, "of the nature of the evils in question, may be formed from the foregoing documents."

Of the extent of the mischief, this gentleman, however, informs us, that the government had no very accurate knowledge. We are left to judge of it, by the general declarations we receive respecting its prevalency, and respecting the state of alarm in which the people are universally held. From one declaration, to which there is no dissent, we may draw an estimate, beyond which no imaginable evil can easily be found. "To the people of India there is no protection, either of persons or of property."

It is impossible to suppose that the worst of all crimes should grow up to a height of unexampled atrocity, singly, and by itself. That state of things which affords encouragement to one species of delinquency, is pretty sure to afford encouragement to other species of delinquency. The case of India confirms the general experience. Beside decoity, which involves a combination of the most dreadful crimes, "burglaries, effected by breaking through the walls of houses; murder from various motives; robberies attended with murder and manslaughter; perjury, and

[1] Fifth Report, p. 606.

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subornation of perjury, practised for the most atrocious purposes; are," say the Select Committee, "not unfrequent in many parts of the country; but the Bengal provinces appear to be, more than any other, characterized by them."

Sir Henry Strachey says, "Since the year 1793, crimes of all kinds are increased; and I think most crimes are still increasing. The present increase of crimes may, perhaps, be doubtful; but no one, I think, can deny, that immediately after 1793, during five or six years, it was most manifest and rapid; and that no considerable diminution has taken place." [2]

The Judge of circuit in the Bareilly division, in 1805, warns the government against supposing that the lists transmitted from the courts exhibit an accurate view of the state of delinquency; because the cases are extremely numerous which are never brought before the magistrates, from the negligence or connivance of the police officers, and the aversion of the people to draw upon themselves the burden of a prosecution. Hence it happens that the less aggravated cases of robbery, with those of theft and fraud, "are frequently perpetrated, and no records of them remain." Hence the cases of homicide, which least admit of concealment, occupy the largest space in the criminal calendar. "The number of persons," continues the Judge, "convicted of wilful murder, is certainly great.—The murder of children, for the sake of their ornaments, is, I am sorry to say, common. So much so, that I submit whether it might not be advisable to strike at the root of the evil, by taking away, if possible, the temptation to commit the act: I mean, adopting measures to prevent children from wearing gold and silver ornaments. For my own part, being convinced that, under the existing laws, we have no other means of putting an end to the frequent perpetration of this crime, I could wish to see the practice of adorning children with valuable trinkets, altogether prohibited." He adds, "A want of tenderness and regard for life, is very general, I think, throughout the country." [3]

In Sir Henry Strachey's paper of answers to interroga-

[1] Fifth Report, p. 66. [2] Answer to Interrogatories, Fifth Report, p. 533.
[3] Fifth Report, p. 565, 566.

tories, from which we have derived so much important information, he says, "Perjury has increased greatly; and is increasing." [1] In the report of the circuit Judge of the Patna division in 1802, it is stated, that "of the murders charged (at his late jail delivery) only a few, and of the robberies no more than one, really happened. The rest are merely fictitious crimes, brought forward to harass an opposing litigant, or revenge a quarrel. The criminal court is the weapon of revenge, to which the natives of this province resort, on all occasions. Men of the first rank in society feel no compunction at mutually accusing each other of the most heinous offences, and supporting the prosecution with the most barefaced perjuries. Nor does the detection of their falsehood create a blush." [2]

Such a prevalence of the higher crimes implies a complete dissolution of morals. To this also, if it could remain doubtful, the same weight of testimonial evidence is applied. Sir Henry Strachey says, "The people are probably somewhat more licentious than formerly. Chicanery, subornation, fraud, and perjury, are certainly more common. Drunkenness, prostitution, indecorum, profligacy of manners, must increase under a system which, although it professes to administer the Mohammedan law, does not punish those immoralities."

In having lessened the quantity of direct oppression which superiors exercised, as a sort of right, over inferiors, consisted, in the opinion of this judge, the whole of the benefit introduced by the English laws. And this, again, he thought, was counterbalanced by the loss of that protection which the superior was accustomed to yield to his dependants: and by exposure to the still more dreadful scourge of dacoits, and other depredators and destroyers.[3]

The Judge and magistrate of Burdwan, in his answer to interrogatories in 1802, says, I am sorry that of the moral character of the inhabitants, I cannot report favourably; or give it, as my opinion, that the British system has tended to improve either the Mohammedan or Hindu moral character. Certain it is, that much profligacy, vice, and depravity, are to be found amongst the higher class:

[1] Fifth Report, p. 544. [2] Ib. p. 68. [3] Ib. p. 527.

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and the crimes, committed by the lower, will, I think, be found more prevailing, and in greater number, than under the Mohammedan jurisprudence." [1]

The magistrates of the twenty-four pergunnahs, on the same occasion, say, "We are sorry that we cannot make any favourable report respecting the moral character of the inhabitants of the districts subject to our jurisdiction. The lower classes are in general profligate, and depraved. The moral duties are little attended to by the higher ones. The system, introduced by the British government, for the administration of the law, and for the conduct of the internal administration of the country, does not, therefore, appear to have improved the moral character of its inhabitants. The use of spirituous liquors, debauchery, and numberless other vices, which formerly met with the severest checks and punishments, are now practised, with impunity, amongst all classes." [2]

Of this hideous state of society, the causes are now to be explored. That the root was laid in the corruptive operation of the despotism to which, in all ages, the people had been subject, admits of no dispute, and stands in need of no explanation. The important inquiry to which we are summoned is; why the British regulations, intended for the abatement of delinquency, had been so unfortunate as to increase rather than diminish it.

That penal law in the hands of the English has failed so completely of answering its end, is to be ascribed in a great degree to the infirmities and vices of the law itself. The qualities wherein consist the virtues of a system of law appear to have been little understood in time past by British legislators. Clearness, certainty, promptitude, cheapness, with penalties nicely adapted to the circumstances of each species of delinquency; these are the qualities on which the efficacy of a system of penal law depends; and in all these, without one exception, the penal law set up by the English in India is defective to a degree that never was surpassed, and very rarely has been equalled. Its failure, therefore, and the misery of the people who must depend upon it for protection, are not a subject for surprise.

It is a sort of a mixture of the Mohammedan and

[1] Fifth Report, p. 546.

[2] Ibid. p. 551.

English systems, and so contrived as to combine the principal vices of both. With the exception of a change in certain modes of punishment, revolting to English minds, the Mohammedan code, which in penal matters had been exclusively followed by the Mogul government, was still retained. It was the characteristic of the Mohammedan law, as it is of the law of all rude nations, to be unwritten. The standard was the Koran, in which nothing beyond a few vague precepts could be found. To this were added the commentaries of the doctors, of which some had attained the rank of authorities. The vagueness of the commentaries corresponded with the vagueness of the original; and no distinct legislative definition existed. On every occasion, therefore, requiring a decision, the expounder of the law was called upon—for what? Not to point out a passage of the code exclusively containing the appropriate point of law. No such passage existed. What he did, or pretended to do, was, from a general view of what had been taught or decided by preceding doctors, to frame an inference for the particular case of the moment. His business was, not simply to declare, but to make the law; to make a separate law for an individual case, every time that a decision was required; to make it, and under no other restriction than that of some obligation to make the result bear some resemblance to former practice. In a law existing in this barbarous state, in which there was so little of any thing fixed or certain, a wide field was commonly assigned to the arbitrary will of the judge. All uncertainties in the law operate to the encouragement of crime; because the criminal interprets them, and with an estimate far beyond their value, in his own favour.

With a law of this description to administer, a procedure resembling that of the regular halls or rather closets of judicature in England, was adopted for its administration. The English form of practice, or course of procedure, consists of so many operations and ceremonies, to which, however frivolous or obstructive to the course of justice, the most minute obedience is rigidly enacted, that the administration of English law abounds with delay, is loaded with expense, and paralyzed by uncertainty. From only one of the vices of the Mohammedan system, the corruption of the judges, were the people of India now

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delivered; but they were visited with another, which appears to be to them a much more dreadful calamity, a complicated, tedious, expensive course of procedure, which to a great degree annihilates all the advantages of law.

The evidence we have on this important subject, is the testimony of those of the Company's servants on whom the business of judicature devolves: some of whom, if we may judge by those of their reports which the public have been permitted to peruse, are to a singular degree qualified for that important trust.

In answer to the following interrogatory: "Are you of opinion that the Mohammedan criminal law, with the alterations of that law made by the British government, is administered with too much lenity, or too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?" "We are of opinion," said the judges of circuit of the Moorshedabad division in 1802, "that, from the discretionary mode in which the Mohammedan criminal law, with the alterations of that law made by the British government, is administered, the administration of it admits both of too much lenity and too much severity; at any rate, of too much uncertainty. An offence which, to one law officer may appear sufficiently punished by a month's imprisonment, shall from another law officer incur a sentence of three or more years. Even in the heinous crime of gang-robbery, our records will show sometimes a sentence of fourteen years' transportation, and sometimes a sentence of two years' confinement. The consequences which we suppose to be produced by the operation of this spirit in which the criminal law is in our opinion administered, are contempt of the law itself, and encouragement to offenders."[1]

By Sir Henry Strachey, in his report in the same year, as Judge and Magistrate of Midnapore, it is said, "I may here take the liberty to mention a few circumstances which have fallen under my observation, as operating to obstruct the conviction of delinquents under the present

[1] Fifth Report, ut supra, p. 524.

system. I think the delay which occurs between the apprehension and the trial is too great. The accused have time and opportunity to fabricate a defence; and very little money will procure false witnesses to support it. The extreme length and intricacy of trials render the full and complete investigation of every case impossible."[1]

The magistrates of the twenty-four pergunnahs in 1802, reported: "The delay attending the administration of criminal justice, and the length of time that elapses before criminal prosecutions are brought to a conclusion, is one of the causes to which the frequent commission of crimes in general, and that of dacoity in particular, may, we think, be in a great measure attributed. The trouble, loss of time, and expense, that attends a criminal prosecution on the present system, is in our opinion a serious evil, and not only induces many who have been robbed to put up with the loss they sustain, rather than apply to the police officers for redress, but prevents numbers from coming forward with informations that would be highly beneficial to the community, and would, we have no doubt, in numberless instances be preferred, were the administration of justice more prompt and speedy than at present. The consequence of delay is, that numbers of criminals of the most daring description, against whom, when committed for trial, there is the most full and complete evidence, escape, and are again let loose on society," owing to the death, removal, loss of memory, or mendacity of the witnesses; a mendacity often purchased, often the fruit of intimidation.[2]

"I am by no means sure," says the Judge of the Calcutta Court of Circuit, the enlightened Sir Henry Strachey, in 1803, "of the necessity or propriety of increasing the severity of punishment. Before I can form a judgment of the efficacy of such remedies, I must be certain that the punishment reaches the offenders; at present, the punishment does not reach them; they elude conviction; they elude apprehension. We cannot say that men become dacoits, because the punishments are too lenient; they

[1] Fifth Report, ut supra, p. 534.

[2] Ibid. p. 552, 554.

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become so, because their chance of escaping altogether is so good."[1]

The report, in 1805, of the Judge of Circuit in the Bareilly division, says, "Attendance on the court, whether as a prosecutor or witness, is generally regarded as a heavy misfortune; to avoid which, many leave their homes, and submit to infinite inconvenience and vexation: and many more, I presume, pay handsomely to the Nazir or his people, for permission to keep out of the way. Hence crimes are perpetrated, and no records remain of them.—The delay and expense of prosecuting are intolerable to the lower orders."[2]

A system of law, marked by so many infirmities, may, in a country like England, where crimes are easily suppressed, and where the sentiments and manners of the people accomplish more than the law, afford an appearance of efficacy, and get the credit of much of that order which it does not produce; but in a country like India, where crimes are difficult to repress, and where the law receives little aid from the sentiments and manners of the people, a far more perfect system is required.

A system of law, which would really afford the benefits of law to the Indian people, would confer upon them unspeakable benefits. It is perhaps the only great political blessing which they are as yet capable of receiving. But the arbitrary will of a master, which, though it often cuts down the innocent with the guilty, yet prohibits all crimes but his own, is preferable to a mere mockery of law, which lays the innocent man at the mercy of every depredator.

Of the prevalence of crime in India, the first of the causes, therefore, is found, in the vices and defects of the law. The second may be traced to those of the police; by the imperfections of which, because more superficial, and obvious to ordinary eyes, the attention of the Company's servants, and of the Committee of the House of Commons, appears to have been more peculiarly engaged.

[1] Fifth Report, p. 561. Sir Henry continues, "A robber even in Bengal is, I presume, a man of courage and enterprise; who, though he roughly estimates the risk he is to run by continuing his depredations on the public, is rather apt to under-rate that risk—small as in reality it is."

[2] Ibid. p. 565, 567.

The main purpose of a system of police, is to serve as an instrument to the courts of justice; providing that no offence shall be committed without the prompt subjection of the offender to the course of law. The English system appears to fail in accomplishing this important end, by two defects. In the first place, the instruments are too feeble. In the next place, they are ill adapted to the end.

"The establishment of an efficient police," say the Select Committee of the House of Commons, "though an object of the first importance, appears to be a part of the new internal arrangements, in which the endeavours of the supreme government have been the least successful. With respect to the darogahs, or head police officers, who, under the new system, have taken the place of the Tannahdars, it is observed of them, that they are not less corrupt than the Tannahdars, their predecessors; and that themselves, and the inferior officers acting under them, with as much inclination to do evil, have less ability to do good, than the Zemindary servants, employed before them. The darogah, placed in a division of the country, comprehending four hundred square miles, is, with fifteen or twenty armed men, found to be incompetent to the protection of the inhabitants."[1]

If the agents of police are greatly too few, the obvious remedy is, to add to their numbers. The answer to this exhortation, however, is unhappily the same as that for the multiplication of the courts of justice. The finances of the Company will not endure the expense. In other words, the revenue of the country, instead of being applied to its only legitimate end, the protection of the people, is disposed of in a different way.

Not only are the agents of police defective in point of number, but adequate means are not employed to make them discharge the duties of their office. So far is this from being done, that the darogahs and their people add to the very evils which they are intended to suppress. By the Judge of Midnapore, in 1802, we are told, "The darogahs, I believe it is generally confessed, do not perform the duty that was expected. They are clearly either unable, or unwilling. Their insufficiency consists, I think,

[1] Fifth Report, p. 71

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in a general neglect of duty, in petty rogueries, in a want of respectability, in being destitute of that energy and activity, and that delicate sensibility to character, which ought to characterize a police officer. In the duties of his office, a darogah is hardly occupied half an hour a day; and he often becomes negligent, indolent, and, in the end, corrupt. His dishonesty consists in taking bribes from poor people who have petty foujdarry suits, in conniving at the absconding of persons summoned through him, in harassing ryots with threats, or pretended complaints, creating vexatious delays in settling disputes, or preventing their being settled, and chiefly in deceiving the poor and ignorant, with whom he has to deal. The avowed allowances of a police darogah are not sufficiently liberal to render the office worthy the acceptance of men who are fit to perform the duty." [1]

The secretary of government says: "The darogahs of police seldom, if ever, possess any previous instruction as to the nature and extent of their duties, nor any habits of life calculated to enable them to perform those duties with effect. A brahmin, a sirdar, a moonshee, or even a menial servant, is, each in his turn, a candidate for this situation, of their fitness for which it is easy to judge. Their agency, even in furnishing information, a duty which requires no particular exertions or capacity, is totally ineffectual. Happy, however, would it be, if the defects already noticed were the greatest to be found in the character of the police darogahs. The vices, which render them a pest to the country, are, their avarice, and addiction to every species of extortion." [2]

The description of the following scene of iniquity, in which the police agents are the principal actors, is necessary to convey a just idea of the state of this branch of the government. The judge of circuit, in the Calcutta division, in 1810, in a paper addressed to the Judge and magistrate of the Zillah, says, "The practice, so nefarious and so prevalent, of extorting and fabricating confessions, requires your most serious attention. I remarked, with much concern, that, in every case of dacoity brought

[1] Fifth Report, p. 538.
[2] Mr. Dowdeswell's Report on the Police of Bengal, in 1819, ibid, p. 611, 612.

before me, the proof rested on a written confession, given in evidence at the trial; and regret to add, that all those confessions bear the marks of fabrication. In one of these cases (No. 7 of your calendar), a prisoner, who was perfectly innocent, confirmed before the magistrate, under the influence of improper means previously made use of towards him, a confession before a police darogah, which was proved on the trial to be false and which had, in fact, been extorted by intimidation and violence. An erroneous idea prevails, that a confession is the strongest proof of guilt. This false notion, perhaps, first gave rise to the custom of fabricating them; and the practice appears to have increased, till it has become general and systematic. It would be endless entering into a detail of the different modes in which confessions are fabricated and proved. The usual course appears to be the first, to apprehend as many people as caprice may dictate, and then to select from the number those individuals who are to confess, and determine on the purport of their confessions. The preliminaries being thus arranged the victims are made over to the subordinate agents or instruments of police, to be dealt with according to circumstances; and the rest are discharged. It sometimes happens that they meet with a man whom they are able to deceive, by assurances of immediate pardon, and false promises of future favour and indulgence. In such case, he is usually told, that by signing a paper, prepared by the buckshee for that purpose, or repeating before witnesses what he is instructed to say, he will not only escape hanging, or, at least, perpetual imprisonment, but become one of the chosen of the police, and make his fortune as a goyendah; that all he has to do, is to pretend that he was concerned in the dacoity, and say, that the gang was composed of particular individuals who are named to him, and leave the rest to the darogah. In short, the alternative is offered him, either of making a friend or an enemy of the police; either of suffering ignominious death through their power, or of raising himself to a post of honourable ambition and profit by their favour. When these means fail, they have recourse to compulsion. In this event, the prisoners are taken out singly, at night; and subjected to every species of maltreatment, till they consent to sub-

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scribe before witnesses, to the contents of a confession, drawn up for their signature by the buckshee; or to learn it by heart, and repeat it in their presence. When the prisoner is thus prepared, if there appears no danger of his retracting before morning, he is left at peace for a few hours; but if any apprehension of that sort is entertained, a burkundaaz is sent for three or four people of the village, to witness the confession instantly, and they are roused from their sleep at all hours of the night for that purpose. It is to be observed, however, that the sending for impartial witnesses does not often occur, except when the darogah has not sufficient weight or talent to keep his place, and at the same time set appearances at defiance. A darogah who is sure of his post, will, with the utmost impudence, send in a confession witnessed only by a few pykes, or other police dependants, who were, perhaps, the very instruments by whose means it was extorted." The fabrication of evidence in general, and the subornation of perjury for that purpose, is declared by the same indubitable authority to have become "a prevailing practice with the agents of police."[1]

When such are the deeds of the very men by whom the crimes of others are to be suppressed, it is easy to judge of the sort of protection which the British government has succeeded in providing for the people of India.

The Secretary, Mr. Dowdeswell, complains, that powers far too great, are intrusted in the hands of those men. They have not only the executive powers of a constable and sheriff's officer, but those united to them of a justice of the peace: they have the power of receiving charges and information without limit; the power of receiving them on oath, or dispensing with the oath, a power of great moment, considering the prejudices of the natives with regard to an oath; the power of proceeding by summons or arrest, at discretion; the power of referring or not referring the determination to the magistrate; of fixing the amount of bail; of making, or, if they please, causing to be made, a local inquiry upon the recent commission of any robbery or violent offence; and, finally, of apprehending and sending to the magistrates all persons under the vague denomination of "vagrants and

[1] Fifth Report, p. 595, 596.

suspected persons:" "powers," adds Mr. Dowdeswell, "which never have been confided to any subordinate peace-officers in England: and which, indeed, would not be tolerated for a moment in that country: powers, the interposition of which, by the hands of the Indian darogahs, are attended with intolerable vexations."[1]

The means, employed for accomplishing the ends of a police, have, therefore, been ignorantly devised. "It is now," say the Committee of the House of Commons, "unequivocally acknowledged on the proceedings of government, *that the existing system of police has entirely failed in its object.*"[2] The Judge of Circuit, in the Rajeshahye division, in 1808, with indignation says: "The present wretched, mechanical, inefficient system of police, is a mere mockery."[3]

The extraordinary imperfection of the system of police, I rank as the second of the causes of the great prevalence of crime, and the insecurity of persons and property in Bengal.[4]

[1] Report on the Police of Bengal, Fifth Report, p. 611, 612.

[2] Fifth Report, p. 73. This expression, if authority can give it force, deserves peculiar attention. It was first employed by Mr. Lumsden, a member of the Supreme Government, recorded on the 13th of June, 1808; it was quoted, as authority, confirming the declaration of his own opinion, by Mr. Secretary Dowdeswell, in his Report in 1809, on the Police of Bengal; and lastly it is quoted, as expressing the result of their own inquiries, by the Committee of the House of Commons.

[3] Fifth Report, p. 586.

[4] It should rather have been the first. The commission of crime was encouraged rather by the impunity by which it was attended before trial, than after it. The culprit was not apprehended, or if apprehended, evidence could not be brought against him to secure his conviction. No code of law, however, can ensure the depositions of witnesses—this is a matter of police.—Whatever may be the theoretical perfection of a penal code, the police must be effective, to protect witnesses against the vindictive resentment of a culprit, and his confederates, or guilt can never be proved. It was to this latter defect that those who were guilty of gang-robbery looked for impunity, much more than to any want of enactments to punish the guilt which had been established by adequate testimony. The state of the police was, undoubtedly, very bad at the time referred to in the text, but even then, active European superintendence could and did communicate to it efficiency. Gang-robbery was suppressed very shortly afterwards by the energy and intelligence of one or two individual magistrates. Instances of it have no doubt occurred since, but they have been comparatively rare, and attended with less atrocious circumstances. The organization of the Police is still defective—the principal officers are ill-paid, the numbers of the establishment are ill-proportioned to the immense tracts of country over which it is spread. The evils resulting from these circumstances are admitted, and attempts are now in course of progress to construct a system of greater efficiency. The wisdom and necessity of the determination cannot be denied, although it is not so easy as it might be thought, to discover the means by which it is to be carried into practice. In the mean time, it may be asserted, notwithstanding all the dark colouring of the Fifth Report, that public order and private security are maintained in India in a very extraordinary manner, and that few countries in Europe so little require the constant interposition of the Police.—W.

The next of these causes is an infirmity which adheres to governments in general, to many of them in a greater degree than the Anglo-Indian government: the obstinate determination to believe that every thing which they do is excellent; and, of course, that every institution which they set up must of necessity accomplish its end. This most pernicious propensity appears to have long completely blinded the Indian government to the deplorable imperfections attaching upon, and characterizing every department of that institution of government which was set up by the regulations of 1793. The imperfections of even the system of police, those which were the most obvious to ordinary eyes, they not only continued determined not to see; but, such was the pernicious influence of their authority, that individuals were deterred either from allowing themselves to believe, or, at any rate, from the important duty of making known, the vices of the system. "What," says the Judge of the Circuit, in the Benares division, in 1808, after a long display of the evils to which those horrid vices were giving birth, "may be thought of the weight of the preceding reasoning, I know not. A very few years back, I should have been afraid, in advancing the arguments which I have offered, of exposing myself to the imputation of singularity. I have now the satisfaction to find that some of my conclusions, at least, are sanctioned by the highest authority. The preamble to Regulation Twelfth, in 1807, declares, that the police establishments in the provinces, those establishments on which we have relied for sixteen years, are inefficient."[1] The Committee of the House of Commons, with some indignation, remark, that, "though the letters from the Bengal government, down to April, 1806, represent the commission of crimes, particularly perjury, to be increasing rather than the contrary, there is nothing said to excite any particular apprehension for the security of person and property enjoyed by the natives under the British government, or to create any doubt in regard to the new system of police having secured to the natives the benefits which were intended for them by its introduction."[2]

Another cause, a natural consequence of the former, is,

[1] Fifth Report, p. 577, 578. [2] Ibid. p. 73.

the temptation under which the servants of the state are placed, to represent in a flattering light the proceedings of government; to keep back, or explain away, the disagreeable consequences; to exaggerate those that are pleasant; and, very often, to suppose and describe such as never exist. Governments are thus deceived, and remain in ignorance of what above all things it imports them to know; the extent to which the institutions of government fall short of accomplishing the ends for the sake of which they exist. What is stated by Mr. Dowdeswell is worthy of particular attention, and indelible remembrance; That this unhappy propensity, which is a power of such extensive and such pernicious operation in all governments, is the foremost among the causes of the disgraceful state of Anglo-India. "The *principal* cause," says the Secretary, in his instructive report on the police of Bengal, "why the measures, hitherto adopted for the protection of the people against robbery by open violence, have been ineffectual, is, the very imperfect information which government, and the principal authorities under government, possessed, respecting the actual state of the police.—The defect here noticed," he continues, "may arise, either from the very imperfect information which the local magistrates themselves possess respecting the state of the police, or from an ill-judged, but not an unnatural, solicitude, to represent the districts in the most favourable state possible."[1] It is also in the highest degree worthy of being pointed out to general attention, that the Select Committee of the House of Commons, appointed in 1810 to inquire into the affairs of India, have selected this prevailing vice in almost all governments, as the object of their particular reprobation. "Your Committee," they tell the House, "must here express their opinion of the dangerous tendency of indulgence in the disposition alluded to; of representing districts, or things, to be in a more favourable state than they really are: As this may lead; first, to a postponement of the communication of unpleasant circumstances; next to the suppression of information; and, finally, to the misrepresentation of facts."[2] Of one thing, however, we may remain assured, as of a law of nature, that so long

[1] Fifth Report, p. 607. [2] Ibid. p. 73.

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as the wisdom and virtue of governments are in too low a state to recognize the indication of defects as the most useful information which it is possible for them to receive: the dependants of government, who hence find it their interest to report what is agreeable, will be sure to mislead. A sufficient antidote would exist, in a free press, under the unsparing operation of which governments would remain ignorant of none of their defects. Solid objections may indeed be started to the institution as yet of a free press in India, though objections of much less weight than is generally imagined. But the existence of a free press, in any state of society, or under any circumstances, it is the constant, strenuous, and wicked endeavour of almost all governments, utterly to prevent.

The parliamentary committee carry their investigation to the highest source; they accuse the Indian government, itself, of acting under the influence of this destructive vice; and, in its representations to the authorities at home, of describing things in India as in a far better situation than they really are. From general knowledge, the experienced mind would easily infer the existence of this deceptive propensity, and its operation, to a great extent. It is necessary to have studied particularly the documents of our Indian history, to know with what unusual strength it operates in the breast of almost every man who has been connected with the government of India; in a word, to have any conception to what an extent the British people have been deluded, and continue to be deluded, with flattering accounts of what is described as "their empire in India." In the whole correspondence of the Bengal government with the Court of Directors, down to April, 1806, the Committee remark, that not a syllable is found expressive of any failure in the system of police, though, from the year 1801, "the reports of the circuit judges, at the conclusion of each session, evinced the prevalence of gang-robbery, not only in a degree sufficient to attract the notice of the government, but to call forth its endeavours to suppress it."[1]

Another cause of the disorders of India, a cause, too, of which it is highly important to convey a just idea, is the overweening estimate which our countrymen are prone to

[1] Fifth Report, p. 73, 74.

make, not only of their own political contrivances in India, but of the institutions of their own country in the mass. Under the influence of a vulgar infirmity, That *Self* must be excellent, and everything which affects the pride of *Self* must have surpassing excellence, English institutions, and English practices, have been generally set up as a standard, by conformity or disconformity with which, the excellence or defect of everything in the world was to be determined. With moderate taxes, under a government which protects from foreign violence, the only thing necessary for the happiness and the rapid improvement of the people of India, is a good administration of justice. But to this great object the circumstances of the people, and the moral habits left in their minds by superstition and despotism, oppose a formidable resistance. To afford in any tolerable degree the protection of law to the people of India, is a far more difficult process than it is in England; and for its accomplishment, a far more perfect system of legal and judicial provisions, than what is witnessed in England, is indispensably required. Of this the rulers in India have not attained the slightest conception; and hence the many ill-contrived measures to which they have had recourse.[1]

Of part of the difficulties under which the administration of justice labours in India, some conception may be formed, from the description which has already been given of the agents of police. The state of the people is such, that trustworthy instruments cannot be found. In a more favourable state of the human mind, that large portion of the field of action which it is impossible to reach with the terrors of law, is protected by the sentiments of the people themselves: they distribute towards individuals their favour and abhorrence, in proportion as those individuals observe or violate the general rules on the observance of which the happiness of society depends; and of so much importance to every man are the sentiments

[1] It is not so difficult to afford to the people of India effective protection as it is to the people of England or other European countries, as the former are of less turbulent character, and have an almost servile respect for official authority. It is, however, quite true, that it is a great mistake to attempt to afford it in the same way; to set aside all local usages and practices, and to remodel the police of India after the approved receipts of the Home Office. The adaptation of local means to local ends should be carefully considered, if the latter are to be attained in India as well as in other countries.—W.

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with which he is regarded by those among whom he lives, that without some share of their good opinion, life itself becomes a burden. In India, there is no moral character. Sympathy and antipathy are distributed by religious, not by moral judgment. If a man is of a certain caste, and has committed no transgression of these ceremonies by which religious defilement or degradation is incurred, he experiences little change in the sentiments of his countrymen, on account of moral purity or pollution. In employing the natives of India, the government can, therefore, never reckon upon good conduct, except when it has made provision for the immediate detection and punishment of the offender.

The proneness of the natives to mendacity and perjury, renders the evidence of judicial facts in India so weak and doubtful, as extremely to increase the difficulties of judication. The intelligent Judge of Circuit, in the Rajeshahye division, in 1808, thus describes the state of evidence in the Indian courts. "Every day's experience, and reflection on the nature of our courts, and the minds and manners of the natives, serve to increase my doubts about our capacity to discover truth among them. It appears to me, that there is a great deal of perjury, of many different shades, in our judicial proceedings: and that many common rules of evidence would here be inapplicable and absurd. Even the honest men, as well as the rogues are perjured. The most simple, and the most cunning, alike, make assertions that are incredible, or that are certainly false. If the prosecutor, in cases of dacoity, were always to be disbelieved because there was perjury, scarce a dacoit would be convicted. By cross-examination, you may draw an honest witness into as many absurdities and contradictions as you please.[1] It is not easy to detect the persons who come forward as eye-witnesses, in cases of dacoity. Their story is all true—but one point; the identity of the persons whom they accuse: and how can you discover whether this is true or false? Some witnesses are loquacious, some taciturn; some frigid, some over zealous; some willing, some unwilling; some bold,

[1] This is not restricted to India, although it may happen more frequently than in England, through the greater timidity and simplicity of the witnesses. Such prevarication is not to be confounded with wilful falsehood.—W.

some timid, some scrupulous: some come to give false evidence in favour of a friend or master; some to ruin an enemy; and the signs of the different modes that disguise truth are so very equivocal, and often so unintelligible, that nothing can be depended on. There is not one witness in a dozen on whom you can rely for a purely true story. It has very often happened, that a story, which, by attending only to the plain direct course of things, I believed to be true, has, by examining into matters apparently connected in a very distant degree with the case, turned out to be entirely false. I am afraid that the evidence of witnesses in our courts is, for the most part, an instrument in the hands of men: and not an independent, untouched source of truth."[1]

"In the course of trials," says Sir Henry Strachey, "the guilty very often, according to the best of my observation escape conviction. Sometimes, an atrocious robbery or murder is sworn to, and in all appearance clearly established by the evidence on the part of the prosecutors; but when we come to the defence, an *alibi* is set up; and though we are inclined to disbelieve it, if two or three witnesses swear constantly to such *alibi*, and elude every attempt to catch them in prevarication or contradiction, we are thrown into doubt, and the prisoners escape. Very frequently the witnesses on the part of the prosecution swear to facts in themselves utterly incredible, for the purpose of fully convicting the accused: when, if they had simply stated what they saw and knew their testimony would have been sufficient."[2]

In another place he declares; "A rich man can seldom

[1] Fifth Report, p. 589.—M.

Very much that has been mistaken for falsehood and perjury by English judges, has been little else than their own ignorance—they have not understood the character of the natives with whom they have had to deal—have made no allowance for the circumstances of their situation, and although not wholly unacquainted with the language, have not understood it sufficiently to appreciate its phraseology. The impatience, too, which is commonly characteristic of the juvenile Indian judge, is very unfavourable to the elicitment of truth from a native witness. See, upon this subject, the remarks of Sir H. Strachey, quoted in a subsequent page. There is also another source of exaggeration, if not of error, in these opinions of the Indian Judges, which has not been sufficiently adverted to: their whole experience is confined to India: they have no standard of comparison: could they preside at the Old Bailey for a session, they would probably discover, that very much of that which they deprecate, is not peculiarly Indian, but characterizes fraud and crime in all times and in all countries.—W.

[2] Fifth Report, p. 561.

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be convicted of a crime at a gaol-delivery. If committed on the strongest positive testimony before the magistrate, he, without difficulty, brings twenty witnesses on his trial to swear an *alibi*, or anything else that may suit his case; or he can bribe the prosecutor, or his material witnesses. He has besides a very good chance of escaping by the mere contradictions of the witnesses against him, particularly if what they have to depose to is long or intricate, or happened at a distant period; or was seen and heard by many witnesses of different descriptions and characters; or if many facts, names, and dates, are to be recollected. No falsehood is too extravagant or audacious to be advanced before the Court of Circuit. No case, at least no rich man's case, is desperate for a defence, supported by counter-evidence; and if once doubts are raised, no matter of what kind, the object of the accused is gained, and he is secure. Perjury is extremely common, and though it occurs much more frequently on the part of the accused than of the prosecutor, yet I have known several instances of conspiracies and false complaints supported by perjury. The judge who has once had experience of a case of this kind is soon plunged into doubt and perplexity, continually awake to the possibility of the witnesses against the accused being foresworn: and as he of course leans to the favourable side, the consequence must be, that the guilty frequently escape."[1]

Whenever you fail to a certain extent in assuring protection to the innocent, and punishment to the guilty, the criminal is enabled to employ the great instruments of government, punishment and reward, in his own defence. Such is the *military* strength of the British government in Bengal, that it could exterminate all the inhabitants with the utmost ease; such at the same time is its *civil* weakness, that it is unable to save the community from running into that extreme disorder, where the villain is more powerful to intimidate than the government to protect. The judge of Circuit of the Rajeshahye division, in 1808, says: "The dacoits know much better than we how to preserve their power. They have with great success established a respect for their order, by speedy, certain, and severe punishments, and by judicious arrange-

[1] Fifth Report, p. 534.

ments for removing obstacles, and for facilitating the execution of their plans. There are two grand points for the dacoits to effect; first, to prevent apprehension; second, to prevent conviction. For the first, they bribe the Zemindary and police officers. For the second, they torture and murder the informers, prosecutors, and witnesses, who appear against them. The progress of this system is dreadful: the dacoits become everything; and the police, and the criminal judicature, nothing."[1]

"This we know," says the same enlightened Judge in another passage, "that a sirdar decoit has generally the means of saving himself from conviction; and that, although all the world say that he is a notorious robber and murderer, not an individual can be found who will give evidence against him. This is a dreadful state of things: and so it must remain, till confidence is restored to the people by removing their well-grounded fears, by extirpating the sirdars, and giving a real efficiency and vigour to the police."[2]

"The terror of dacoits among the ryots," says Sir Henry Strachey, "is excessive. Persons who have families and property deem it extremely rash and dangerous to prosecute, or to appear as witnesses against men of such desperate character as the dacoits of this country. Indeed, it is with the utmost difficulty that they can be prevailed upon to come forward, even in cases where they have received personal injury, and where they have not to speak to the persons of the prisoners, but merely to identify the property found in their possession."[3]

Such is the nature, such the extent, and such the causes of the evil. The remedies surely constitute an important object of inquiry. The government attempted to oppose the torrent by changes in the rules of police, and by adding to the severity of punishment. Under these expedients, enormities continued to increase till 1807, when a more efficacious remedy was thought to be

[1] Fifth Report, p. 587, "On my way through the northern parts of this Zillah," he continues, "I had some conversation with a Zemindar, and a police darogah, who have distinguished themselves by their exertions to apprehend dacoits; they told me that it was impossible to get any information about the great dacoits; that the houses of all the principal inhabitants were open to them: yet that nobody dared mention their names, for fear of being murdered." Ibid.

[2] Ibid. p. 591.

[3] Ibid. p. 661, 554, 534.

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required. The Zemindars, who formerly exercised a power almost despotic over the districts consigned to their care, and who maintained a large establishment of armed men, with a commission for the suppression of crimes, were enabled, as often as they had activity and good will, to suppress by arbitrary execution all violent offences but their own. One robber in a district was better than a multitude. But Lord Cornwallis, impressed with the evidence of the abominable use made of this power by the Zemindars, in exercising oppression on the people submitted to their jurisdiction, resolved to deprive them of all exercise of any of the powers of government; and laid it down as a rule, that the union of the functions of revenue with those of police or judicature, was a fundamental error, from which nothing but misgovernment could ensue. Notwithstanding this, the rulers of 1807, with that sort of empirical impulse, by which the vulgar tribe of rulers are usually conducted, took up the notion, that if the Zemindars had once preserved the country from dacoits, the Zemindars truly might do so again. In spite of the grand rule of Lord Cornwallis, the Zemindars, farmers of land, and others of the principal inhabitants, received the title of aumeens of police, and were vested with the same authority as the darogahs for the apprehension of offenders, but without the judicial powers intrusted to the darogah in the cases of petty offences and disputes.

Not only was this expedient for the suppression of crimes attended with no good effects; it was attended with so many of a contrary description, that in 1810 it was abolished. Other expedients, in the mean time, had been invented and tried. In 1808, a superintendant of police was appointed; whose labours were expected to have the effect of concentrating information, and giving unity and combination to the efforts of the magistrates in the separate districts. A regular establishment was also organized of police spies called *goyendas*, with a species of superintendants called *girdawars*, who had in some degree been employed from 1792. The office of the goyendas was to point out the robbers: that of the girdawars to apprehend them.[1]

[1] Fifth Report, p. 74.

So imperfectly were those means adapted to the end in view, that in a despatch of the Governor-General, under date the 29th of May, 1810, the extent of the mischief is thus described: "The evidence lately adduced, exclusive of a multiplicity of other proofs, establishes beyond a question, the commission of robberies, murder, and the most atrocious deliberate cruelties; in a word, an aggregate of the most atrocious crimes. Nor let it be suposed, that these offences were of rare occurrence; or confined to particular districts. They were committed, with few exceptions, and with slight modifications of atrocity, in every part of Bengal." [1]

The inconvenience which attended the employment of goyendas was of the same nature with that which attended the employment of darogahs; instead of protectors, they themselves became the plunderers and murderers of the people. Sir Henry Strachey informs us, that "the people are harassed by the vexatious visits and outrages, and the plunder of goyendas and girdawars; who constantly, when supported by the least colour of authority from the magistrate, intimidate, extort, suborn, and rob, under pretence of bringing offenders to justice." [2]

The head-money which was granted for the conviction of dacoits pointed out a ready way to the darogahs and goyendas, in confederacy, for acquiring riches, by fabricating evidence against as many innocent persons as they chose. A member of the government in 1810, in a minute in which he advocated the employment of goyendas, made the following admission: "That abuses have been practised by goyendas or informers, but still more by girdawars, or those intrusted with power to apprehend, is unquestionable. Seeking a livelihood, by the profession in which they had engaged, but not able always to procure it, by the slow means of the detection of crimes and proof of guilt, they have, no doubt, resorted, but too often, to various modes of extortion; sometimes from persons of suspected character; and, at other times, from the honest part of the community, under threats of accusation: and have occasionally proceeded to prefer groundless charges, and even to support them by false evidence; and instances have actually occurred, where there has been too much

[1] Fifth Report, ut supra, p. 72. [2] Ibid. p. 561.

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reason to believe, that the goyenda himself devised the robbery, of which he convicted the unhappy wretches, reduced by his arts to a participation in the crime." To such a height had the enormity of convicting innocent persons, for the sake of the head-money, proceeded, that in 1810, the necessity was felt of destroying the temptation, by putting the reward offered for the conviction of offenders on a new foundation. And the Committe of the House of Commons thus report; "The bad practices, used by goyendas, your Committee find noticed strongly in the answer to the interrogatories circulated in 1801. There must, consequently, have been a wide field for the goyendas to move in, from their first appearance in 1792, until the period referred to, in 1810, when the modification of the reward or head-money considerably narrowed the ground on which they had been accustomed to practise their atrocities. The proceedings of the courts of justice, and the reports of the judges of circuit, furnish a strong confirmation of what has been stated with respect to the unprincipled practices of that description of people; and of the evils resulting from a combination between them and the darogahs, or head police officers, for the purpose of sharing with them the head-money for dacoits."[1]

To the villany of the police agents is attached a considerable danger, lest, being employed by the magistrates, and necessary to their functions, the magistrates should contract a reluctance to believe in their guilt. It is in evidence, that the reality of this evil is but too frequently experienced. The Judge of circuit, reporting on the state of the twenty-four pergunnahs in 1810, says: "Several petitions were presented to me in the course of the session. Those of the greatest public importance complain of the rapacity, oppression, and gross and daring acts of illegal violence and rapine committed by goyendas; and strong disinclination evinced on the part of the magistrate to redress grievances of that description."[2]

To remedy the defects of the provision made by Lord Cornwallis, for the administration of penal justice, such were the supplemental measures employed till 1810, and

[1] Fifth Report, ut supra, p. 76. [2] Ibid. p. 597.

such their effects. It is proper also to consider what proposals were made of other means for the attainment of the same end. BOOK VI CHAP. VI.

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One thing recommended was, to re-invest the Zemindars with powers of police; and among the interrogatories circulated by government in 1801, the opinion of the judges was asked, on "the expediency of granting to Zemindars, farmers, and other persons of character, commissions empowering them to act as justices of the peace." Among the most intelligent of the Company's servants, one opinion, on this subject, seems alone to exist. "I am persuaded," says the magistrate of Burdwan, "that to vest the Zemindars and farmers of this district with the powers proposed, would not only prove nugatory for the objects intended, but be highly detrimental to the country, and destructive of the peace of the inhabitants. Few of the Zemindars and farmers, of any respectability, reside on their estates and farms. Allow them to exercise a power equal to the purposes, and to vest with it by delegation, their agents or under farmers, the worst and most mischievous consequences are to be apprehended from their abuse of it."[1] On the same occasion, the magistrates of the twenty-four pergunnahs say, "From the general character of the Zemindars, farmers, and other inhabitants of the districts, we do not think that it would be advisable to vest any of them with the powers of justices of the peace. On the contrary, we are of opinion, that such a measure, so far from being in any way beneficial to the police of the district, would be a source of great oppression to the lower class of the inhabitants, and of innumerable complaints to the magistrate."[2]

They add, "We have reason to believe, though it is difficult to establish proof against them, that the Zemindars, not only, in many instances, encourage and harbour dacoits, but frequently partake of the property plundered by them. The *chokedars* and *pykes* employed by them are concerned in almost every dacoity committed in the districts subject to our jurisdiction."[3]

To the same purport, the Judge of circuit in the Rajeshahye division says, in 1808: "My informants attributed the success of the dacoits to the same cause that

[1] Fifth Report, ut supra, p. 549. [2] Ibid. p. 555. [3] Ibid. p. 554.

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every body else does; namely, the protection given them by the Zemindars and police officers, and other people of power and influence in the country. Every thing I see, and hear, and read on this subject, serves to convince me of the truth of this statement." [1]

Sir Henry Strachey, as usual, reasons with much intelligence upon this subject. "It is extremely difficult," he says, in his reply to the same interrogatory, "I may, I believe, say it is not possible to arrange an effectual plan of association and co-operation, among the higher orders, for purposes of police, or for any other purpose. We have few large towns; no societies exercising or capable of exercising municipal authority.

There are no gentlemen, in whose honour and probity, in whose spirit and activity, government can repose confidence. There exists not, between the common people and the rulers, a middle order, who feel a common interest in the prosperity of the state who love their countrymen, who respect their rulers, or are by them respected; who either could, or, if they could, would, even in a case of the greatest exigency, exert themselves heartily and effectually, each in his own sphere, for the public good. Such a set of men in the society is here unknown. Government is unable to direct, or in any way to make use of, the power of the individuals composing the community. Hence our extreme ignorance of all that passes; our complete inability to detect and apprehend offenders; to explain to the public what we wish should be known; and persuade them what should be done. Hence the long continuance of enormous abuses without its being possible for government, or for the magistrate, to prevent or to discover them." [2]

"It should," he says in another place, "be the study of government, in my opinion, to form, if possible, a body of gentry, such as exists in other countries; an intermediate order, between the governors and the governed, to whom the one might look down, and the other might look up. At present, no such order exists. Most of the men who once possessed rank and wealth, are gone to ruin. The men of property who do exist are, for the most part, such as have lately risen. That the magistrate can maintain

[1] Fifth Report, ut supra, p. 587. [2] Ibid. p. 537.

the peace over a million or more of persons, without the help of a considerable number whose interest or sense of duty should induce them to assist him, is plainly impossible."[1]

The Judge of circuit in the Benares division, in 1808, descants with great warmth upon the same topic; the extreme difficulty of maintaining order in any country, without the assistance of a superior class of inhabitants incorporated with the people, and possessing that influence which superior property and education confer, over others deprived of those advantages. "In maintaining this opinion, I may," says he, "unless I greatly deceive myself, appeal to the general practice of almost all nations, originating, doubtless, in circumstances and feelings common to all mankind. The natural mode of managing men is to employ the agency of those, whom, from the relation in which they stand to them, they regard with respect and confidence. Accordingly, all governments seem to have made the authority of these native leaders the basis of their police; and any hired police establishment which they maintain are not intended to supersede the native police, but to superintend, watch, and aid its efforts. To take an example with which we are all familiar. In our own country we all know what services the society contributes to its own protection. We know how much vigour is conferred on its police, by the support which it receives from native gentry; from respectable landholders, from the corporations in towns, and from substantial persons of the middle classes in the villages. We can form some conception of the mischief which would ensue, if that support should be withdrawn, and an attempt made to compensate it by positive laws and artificial institutions."

Such is the extreme difficulty of distributing justice to a people without the aid of the people themselves! Such, at the same time, is the utter impracticability, under the present education, circumstances, and character, of the people of India, of deriving from them the aid which is required? Without a tolerable administration of justice, however, which the people of India are so far from enjoying, every man will acknowledge, that all attempts to improve either their circumstances or their character,

[1] Fifth Report, ut supra, p. 561.

must be attended with disappointment. What then is the inference? Are the government and the people to go on for ever, in their present deplorable situation; the people suffering all the evils of a state of anarchy; the government struggling with eagerness to help them, but in vain?

If it were possible for the English government to learn wisdom by experience; which governments rarely do; it might here, at last, see with regret, some of the effects of that illiberal, cowardly, and short-sighted policy, under which it has taken the most solicitous precautions to prevent the settlement of Englishmen in India; trembling forsooth, lest Englishmen, if allowed to settle in India, should detest and cast off its yoke![1] The most experienced persons in the government of India describe, what to them appears the difficulty, almost or altogether insuperable, of affording protection either to person or property in that country, without the assistance of persons of the requisite moral and intellectual qualifications, rooted in the country, and distributed over it in every part. They unite in declaring that there is no class in India who possess these qualifications; that the powers necessary for an efficient police cannot be intrusted to the Zemindars, without ensuring all the evils of a gross and barbarous despotism. And they speak with admiration of the assistance rendered to government by the gentlemen distributed in every part of England. Is it possible to avoid seeing, and seeing, not to acknowledge, the inestimable service which might have been derived, in this great exigency, from a body of English gentlemen, who, if they had been encouraged to settle, as owners of land, and as manufacturers and merchants, would at this time have been distributed in great numbers in India? Not only would they have possessed the requisite moral and intellectual qualifications, a thing of inestimable value; but they would have possessed other advantages of the highest importance.[2]

[1] It is wonderful to see how the English government, every now and then, voluntarily places itself in the station of a government existing in opposition to the people; a government which hates, because it dreads the people, and is hated by them in its turn. Its deportment with regard to the residence of Englishmen in India speaks these unfavourable sentiments with a force which language could not easily possess.

[2] Upon no subject relating to India have more erroneous impressions been

The representation of Lord Teignmouth is lamentably true, That the civil servants of the Company, enclosed in government offices from the time of their arrival in India, have neither leisure nor opportunity to become acquainted with the people; and that the periods of their residence, from their being in a state of perpetual change, come to an end, before they are able to acquire either local knowledge or experience.[1] Among the circumstances to which the best of the Company's servants ascribe their deplorable inability to afford protection to the people, their own ignorance of the local manners, character, and circumstances, occupy a conspicuous rank. In an enumeration of the causes which concur to prevent the due administration of justice, Sir Henry Strachey says; "Another impediment, though of a very different nature from those I have mentioned, and much more difficult to remove, is to me too palpable to be overlooked: I mean, that arising from Europeans, in our situation, being necessarily ill qualified in many points, to perform the duties required of us, as judges and magistrates. Nothing is more common, even after a minute and laborious examination of evidence on both sides, than for the judge to be left in utter doubt respecting the points at issue. This proceeds from our very imperfect connexion with the natives, and our scanty knowledge, after all our study, of their manners, customs, and languages. The judge of circuit, and his assistant, are strangers, and quite unacquainted with the character of the persons examined, and the credit due to them; and always on that account less competent to discover truth among volumes of contradictory evidence."[2] On another occasion he asks, "What judge can distinguish the exact truth, among the numerous inconsistencies of the natives he examines? How often do those inconsistencies proceed from causes, very different from those suspected by us? How often from simplicity, fear, embarrassment in the wit-

entertained, than that of allowing Europeans to hold lands in India. The permission has been now granted them for several years, and where is the numerous body of respectable English landowners, who, according to the view taken in the text, are to render inestimable services to the Government in preserving the peace of the country? Scarcely any have availed themselves of the permission, and the Government must seek for aid in the management of the criminal and civil justice of the country from that quarter alone from which it is naturally to be expected—the people themselves—under active and enlightened European official superintendence.—W.

[1] Mr. Shore's Minute, Fifth Report, p. 169.

[2] Answer to Interrogatories, Fifth Report, p. 434.

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ness? How often from our own ignorance and impatience? We cannot study the genius of the people, in its own sphere of action. We know little of their domestic life; their knowledge, conversation, amusements, their trades and castes, or any of those national and individual characteristics, which are essential to a complete knowledge of them. Every day affords us examples of something new and surprising: and we have no principle to guide us in the investigation of facts, except an extreme diffidence of our opinion; a consciousness of inability to judge of what is probable or improbable." He adds, "The evil I complain of is extensive, and, I fear, irreparable. The difficulty we experience in discerning truth and falsehood among the natives, may be ascribed, I think, chiefly to our want of connexion and intercourse with them; to the peculiarity of their manners and habits; their excessive ignorance of our characters; and our almost equal ignorance of theirs."[1]

It is impossible to reflect upon the situation of English gentlemen, settled in the country, as proprietors of land, and as manufacturers, without perceiving how advantageously they would be situated for acquiring that knowledge of the natives, in which the Company's servants are proved to be so defective; and for giving that aid in the administration of justice, without which a good administration is not to be attained. Such men would be forced into an intimate intercourse with the natives, whence, under the necessity of employing them, and of transacting and conversing with them in almost all the relations of life, an intimate knowledge would arise. They would have a local influence of great efficacy. They would be useful, beyond all calculation, in maintaining order in a wide circle around them, among a people in such a state of society as that at present found in Bengal.[2]

[1] Answer to Interrogatories, Fifth Report, p. 562.

[2] As an additional proof, if any additional proof were wanting, of the benefit which might be derived from the multiplication of English settlers; it may be mentioned, as a matter of present experience, that the Englishmen, the most thoroughly conversant with the language and manners of the people, are generally those who have been tolerated, as private adventurers, in some line of industry in the country. A conspicuous example lately appeared. A gentleman of the name of Blacquiere, not in the service of the Company, but who had lived in India in the pursuit of private objects, was found so much better qualified than any of the servants of the Company, by his knowledge of the language and manners of the country, and had actually rendered so much service as a magistrate of Calcutta, that he was vested with extensive power over several districts. After the private traders in India, the officers of the

Though in most of their reports, the judges regard a remedy as hopeless, yet there is one recommendation in which a considerable number of them concur. As trials are delayed, and crimes escape punishment, by a deficiency in the number of tribunals, the periodical visits of the judges of circuit being inadequate to the demand for justice, it is proposed, that the magistrates in the Zillahs should be vested with the powers of penal judication. To this recommendation, however, several weighty objections apply. In the first place, the civil judicature in the Zillahs is already a duty far too heavy for the judges to discharge; and the arrear of causes produces a delay, which approaches to a denial, of justice. If in the hands of those judges the business of penal judicature were to be added to that of civil judicature, the number of them ought to be doubled; and that, we are told, the finances of the Company will not allow. Besides, according to the routine of the Company's service, the judges in the Zillahs are generally too little advanced in years and experience, to be intrusted with the powers of life and death, or any powers approaching to that importance, under so many chances of error as accompany judicature in India.

As the number of darogahs and their establishments would be far too small to prevent the disorders of the country, even if they were faithful to their trust, some of the judges propose, that their numbers should be increased, and their salaries augmented. To this, too, the objection of the government would be, that the finances cannot admit the expense. A more legitimate objection is, that by increasing the number of darogahs they would only increase the number of privileged plunderers: and that it is one of the most imbecile of vulgar prejudices to

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sepoys, from their interconrse with their men, are the best acquainted with the natives; and would very often form the best judges and magistrates. Lord Cornwallis, not finding a man among the civil servants of the Company at Madras, tolerably acquainted with the language and manners of the country, appointed sepoy officers to be collectors and managers in the newly-acquired districts; and the great success of the experiment proved the wisdom of the choice. The services which were rendered by such officers as Read and Munro, in establishing order in extensive countries, show to what practical excellence the government of India might be carried, if Englishmen, incorporated with the natives as landlords and manufacturers, were intrusted with the powers of police.

suppose, that large salaries make honest men.[1] So long as things were so miserably organized, that gain, unbalanced by danger, would accrue to the darogahs, by violating their duties, they might be expected to violate them, if their salaries were as large as those of the Governor-General.

Some of the Company's servants, among others Mr. Dowdeswell, argue strongly for the employment of spies and informers. Their abstract, general arguments, to show that informers are useful auxiliaries to justice, are good and conclusive. Make justice certain, immediate, unexpensive, at the tribunals, and every act which spies and informers can perform, will be an act of utility. But if, in India, your securities for justice are so wretched, that by employing spies, you only create a new class of robbers, and let loose upon the people an order of men who carry on their depredations with the arms of government, you increase instead of diminishing the disorders of the country.

Contemplating this accumulation of difficulties, the Company's servants in general appear to regard the case with a kind of despair; or at least to contemplate the evil as rooted so deeply in the moral character of the people, that it cannot be removed, unless by the slow improvements which it may be possible for education to effect.

After the recommendation of some of the above expedients, of the efficacy of which his hopes were but too sanguine, Mr. Dowdeswell said; "I am at the same time sensible that a great deal more must be done in order to eradicate the seeds of the crimes most injurious to the peace and happiness of society. The real source of evil lies in the corrupt morals of the people. Under these circumstances, the best laws can only have a partial operation. If we would apply a lasting remedy to the evil, we must adopt means of instruction for the different classes of the community."[2]

In answer to the interrogatory, "Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral

[1] This is a notion, the fallacy of which has been previously demonstrated. Adequate allowances diminish chances of temptation, and render character of too much value to be slightly hazarded.—W.

[2] Fifth Report, p. 617.

character of the inhabitants of the division;" the judges of Moorshedabad replied; "The moral character of a nation can be improved by education only. All instruction is unattainable to the labouring poor: whose own necessities require the assistance of the children, as soon as their tender limbs are capable of the smallest labour. With the middle class of tradesmen, artificers, and shopkeepers, education ends at ten years of age, and never reaches further than reading, writing (a scarcely legible hand) on a plantain leaf, and the simplest rules of arithmetic. We are not prepared to suggest any measures, the adoption of which would, in our opinion, contribute progressively to the improvement of a people thus circumstanced."[1] In reply to the interrogatory which respected the effect produced by the operation of the English government on the moral character of the natives, the same judges observe; "The general moral character of the inhabitants of our division seems, in our opinion, much the same as we have always known the moral character of the natives in general. Ignorance, and its concomitant, gross superstition; an implicit faith in the efficacy of prayers, charms, and magic; selfishness, low cunning, litigiousness, avarice, revenge, disregard to truth, and indolence, are the principal features to be traced. It does not strike us, that the system established by the British government, for the administration of the laws, and the conduct of the internal administration of the country, can have any influence on the moral character of the inhabitants in general, either by way of improvement, or otherwise."[2]

On this, as on other occasions, Sir Henry Strachey evinces superior powers of reflection, and penetrates farthest below the surface. "To attempt," says he, "any material improvement or alteration in the moral character of the natives, by the intervention of legislative measures, I look upon as vain. They no longer consider the laws as a part of their religion. I do not even see that, with us, law and morality have much connexion. It is the province of the magistrate to quell disorders and preserve

[1] Fifth Report, p. 524.
[2] Ibid. p. 520. See to the same purpose the answer of the Judge and Magistrates of Burdwan, p. 550.

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peace; but as to good morals, I am not aware, that, either by precept or example, we are capable of producing any effect whatever. The vices and the crimes of the people proceed from their poverty and ignorance. And I do not conceive they are likely to grow much richer or wiser, while the present state of things exists. This assertion, however, that the vices and crimes of the people proceed from their poverty and ignorance, I would wish to be understood with limitations. Where considerable numbers are collected and associate together,—especially if there happens to be much inequality of rank and fortune,—the morals of the people are worst: the same may be observed respecting such persons as have occasion to attend our cutcherries; they get into bad habits. It is not always, therefore, that the people are the worst where they are the poorest and most ignorant; nevertheless, the assertion is, in my opinion, generally speaking, true. It is certain that where labour is amply rewarded, where all can easily get employment, and where the poor are provided for, the people lead industrious and virtuous lives; and it will be observed that in remote parts, where debauchery and dissipation are little known, very few, except from necessity, resort to depredation on the public. Most, but not all, dacoits begin their evil practices from necessity. A ryot, finding some difficulty to subsist, either from his imprudence or ill fortune; a peon, or other servant, losing his place, and unable to procure another; a cooly, finding no employment: such persons, of whom in this populous country there are always many thousands, often take to stealing; are corrupted by vicious companions; drink spirits; and are gradually led on, from impunity and habits of idleness, to become dacoits, and depend on robbery alone for subsistence."[1] This is an important passage which will afford evidence for some interesting conclusions in a subsequent page.

We have now seen the extent and dreadful nature of the evil; the inefficacy of the remedies which have been applied; and the sort of despair entertained by the functionaries of government that better can be found. That there is no impossibility, however, in establishing a good administration of justice, even in such a state of things as

[1] Fifth Report, p. 539.

exists in India, we may infer without much danger of mistake, or even of contradiction.[1] If much of the difficulty has arisen from the dominion of English prejudices, and especially that deep-rooted prejudice, that English law is the standard of perfection to which everything should be fitted, considerable progress towards improvement will be made, as soon as we have emancipated ourselves from those prejudices.

In the first place, as the law, according to what we have already seen, is in a state in which it is to a great degree incapable of performing the offices of law, and must remain almost wholly impotent, in a situation in which the deficiencies of law are not supplied by manners, let the law be reformed, and put into that state in which alone it is adapted to answer the ends for which it is intended. Let the laws, whatever they may, for the security of existing rights or the attainment of future advantages, be determined to be, receive what alone can bestow upon them a fixed, or real existence; let them all be expressed in a written form of words; words, as precise and accurate as it is possible to make them, and let them be published in a book. This is what is understood by a code; without

[1] That there was no impossibility, nor even much difficulty in applying remedies to the evil, even when at its greatest height, has been proved by incontestable authority, the records of the Government, which show that the remedies were at hand when there was industry and skill to employ them. Amongst the districts most notorious for decoity, prior to 1820, had been that of Burdwan. In that year Mr. W. B. Bayley was appointed magistrate. In the following year, the Circuit Judge reported that gang-robbery had become nearly extinct in the district, and a regular system had been introduced, which promised fair to secure the co-operation of all parts of the community in the detection and apprehension of offenders. Upon being desired to explain the means by which such a change had been so rapidly effected, Mr. Bayley reported, the principal of them to have been—the co-operation of the village watchmen, secured by rewarding them for activity, punishing them for neglect, protecting them against encroachments upon their Chakerani lands—small apportionments of rent-free land, by which their services were retained, and inducing the headmen of the villages to subscribe more liberally for the support of the Chowkeedars. The Munduls, who were the principal fixed residents of each village, and who, as Mr. Bayley states, were vested by long usage with considerable local authority and immunities, and the Chowkeedars under them, were the chief classes upon which he deemed it requisite to call for particular assistance, both in furnishing information and active aid in the improvement of the police." Judicial letter to Bengal, 9th Nov. 1814. Papers relating to Police, from 1810 to 1819, printed for the House of Commons. The circumstances of Burdwan warrant the inference that it was not so much the character of the people, or the inadequacy of the law, as the inefficiency of the magistracy, which led to the prevalence of dacoity at particular times in the lower provinces of Bengal. It was comparatively rare in the upper provinces, and was not, as might be supposed from the remarks in the text, universal in the Company's territories.—W.

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such a code there can be no good administration of justice: in such a state of things as that in India, there can, without it, be no such administration of justice, as consists with any tolerable degree of human happiness or national prosperity. In providing this most important instrument of justice, no further difficulty will be found, than the application of the due measure of virtue and intelligence: not to be looked for in the classes whose interests the vices of the law promote. Sir William Jones, and others, recognized the demand for a code of Indian law; but unhappily thought of no better expedient than that of employing some of the natives themselves; as if one of the most difficult tasks to which the human mind can be applied, a work to which the highest measure of European intelligence is not more than equal, could be expected to be tolerably performed by the unenlightened and perverted intellects of a few Indian pundits.[1] With no sanction of reason could anything better be expected than that which was in reality produced; a disorderly compilation of loose, vague, stupid, or unintelligible quotations and maxims, selected arbitrarily from books of law, books of devotion, and books of poetry; attended with a commentary, which only adds to the mass of absurdity and darkness: a farrago, by which nothing is defined, nothing established; and from which, in the distribution of justice, no assistance beyond the materials of a gross inference, can for any purpose be derived. To apply the authority of religion, or any other authority than that of the government, to the establishment of law, is now unnecessary: because the great and multiplied changes which the English have made in all the interior regulations of society, have already destroyed in the minds of the natives the association between the ideas of religion and the ideas of law.[2] But, at any time, for combining the authority of religion with that of law, nothing more was required, than what might still be advisable; namely, to associate the most celebrated of the pundits.

[1] The Pundits were employed, not to compile a new code, but to digest what laws prevailed amongst the Hindus, and it cannot be denied that it was wise to ascertain what the people had, before supplying them with what they might not be found to require.—W.

[2] This is an affirmation not warranted by the fact, as far as it regards a belief in the sanctity of those laws which are supposed to be based upon the Vedas or the Koran.—W.

For digesting the law into an accurate code, such men would be altogether unqualified; but they might lend their peculiar and local knowledge to him to whom the task is assigned; and they might easily and effectually annex the authority of religion to his definitions, by subjoining quotations from their sacred books, and declaring the words of the code to be the true interpretation of them. The law of the natives, and the minds of its interpreters, are equally pliant. The words, to which any appeal can be made as the words of the law, are so vague, and so variable, than they can be accommodated to any meaning. And such is the eagerness of the pundits to raise themselves in the esteem of their masters, that they shew the greatest desire to extract from the loose language of their sacred books, whatever opinions they conceive to bear the greatest resemblance to theirs.[1] It would require but little management to obtain the cordial co-operation of the doctors, both Moslem and Hindu, in covering the whole field of law with accurate definitions and provisions; giving security to all existing rights, and the most beneficial order to those which were yet to accrue.

For the distribution of justice, there is required not only an accurate expression of what is to be observed and obeyed as law; but an adequate judicial establishment; or, an appointment of judges, and other ministers of justice, sufficient on every occasion, which calls for a decision, to declare what the law is, and to carry it into effect, with the smallest possible burden, in the way either of delay, vexation, or expense.

For this important purpose, it is evidently necessary that the number of tribunals should bear a due proportion to the business which they are called upon to perform: and that, whenever the causes which offer themselves for decision exceed the number of those which it is possible for the existing tribunals to decide, addition should be made to the number of them, till they are sufficient for the prompt investigation of every case on

[1] There is no proof of such a disposition, and its existence to the extent here intimated may be confidently denied. At the same time, it is, no doubt true, that the co-operation of Moulavis and Pundits is essential to the formation of an unexceptionable code, although in the attempt now in progress towards the codification of Indian law, native assistance has been dispensed with by the "wisdom" of the British legislature.—W.

which the judicial decision is required. From no government, surely, ought this language to be heard; that it does indeed see the necessity of a greater number of tribunals, in the inability of the existing number to investigate the suits of the people; but that it has something else to do with the money which it takes from the people, than to expend it in perfecting the administration of justice.

Nor is it enough, that the tribunals be sufficient in number to perform without delay the judicial business of the country; they ought to be sufficiently near each other, to enable every suitor to have recourse to them without that obstruction to justice which arises from the necessity of any considerable journey to perform. Of the value of this attribute of a judicial establishment no illustration is required.[1]

Another important condition to the excellence of a judicial establishment, is, that in its mode of conducting the judicial business, all forms, all ceremonies, which create delay, trouble, and expense, or any one of them, without any corresponding advantage, should be carefully and completely retrenched; and nothing whatsoever left, but those plain and rational operations, which are recognised by all the world as useful, and alone useful, in the investigation of a matter of fact. It will remove the necessity of a longer explanation to observe, That the mode of procedure, which is called summary, and followed in the small debt courts in England, is an example of the mode of procedure which is divested of ceremonies, and retains only such plain and simple operations as form the ordinary steps of a rational inquiry: That the mode of procedure, on the other hand, which is called regular, and followed in the superior courts, is an example of the mode of procedure which is loaded with superstitious ceremonies and observances; and complicated by a multitude of operations, altogether different from the recognised steps of a rational inquiry. The consequence of this load of superstitious observances, and this multiplicity of operations, is, not, to

[1] What is here observed on the properties desirable in a judicial establishment, are only such general deductions from the science of legislation, as can find a proper place in a critical history. The analysis of the whole subject is seen in great perfection, in a work entitled, "Draught of a New Plan for the Organization of the Judicial Establishment in France," by Jeremy Bentham, Esq.

lead with more certainty to the discovery of truth, but with less certainty: while the people are driven from the courts of justice by the terror of delay, trouble, and expense; and every species of injustice flourishes under the prospect of impunity and success. In the summary mode of procedure, in its perfect shape, is included every operation conducive to the elucidation of truth; every thing which is necessary for securing and bringing forward the evidence, and for presenting it to the mind of the judge, in its greatest possible plenitude, and most perfect possible shape. To add to these operations a multitude of others, which have no tendency whatsoever to improve the state in which the evidence is presented to the mind of the judge, can have no tendency to aid the discovery of truth. It must have a sure tendency to give it obstruction, in ways too numerous here to recount. Among the bitter fruits of a complicated mode of procedure; the loss of evidence, by the death, removal, and feeble memories of witnesses; and the successful efforts made by the guilty to intimidate or corrupt them; are enumerated, by the Indian judges, as evils, with which their experience had made them minutely acquainted. Were there nothing more than the complexity, which a multitude of nice and puzzling operations produces, it would be hurtful to the discovery of truth, by diverting and confusing the mind of the judge. But when those multiplied niceties and observances are superstitiously elevated as they uniformly are, into matters of chief and primary importance; when the mind of the judge is more vigilant to observe whether every one of the words and actions which enter into a multitude of frivolous ceremonies has been exactly observed, than to elicit every particle of evidence, and assign to it the proper station in his mind, it is impossible to estimate the injury which is done to the discovery of truth, and thence to the interests of justice, by a technical mode of procedure. Even by the servants of the Company, who have remarked with so much intelligence the shocking state of justice in India, I observe that "precipitate" is the epithet applied to the summary, or rational mode of procedure: "deliberate," that applied to the regular or ceremonious. It is a proof of the defects of their education, when such an illusion could pass upon the minds of

so much strength. That which is done with thought, is that which is done deliberately. That which is done without thought, is that which is done precipitately. It is of no consequence, how long a thing remains undone, provided thought all the while is never applied to it. During the delay which takes place by the performance of the superstitious ceremonies of regular procedure, is it supposed by any body that the judge turns a thought to the merits of the cause? Deliberation is performed by the non-existence of thought, according to the theory of those who account delay and deliberation the same thing. The judge deliberates upon the question, at least to any valuable purpose, only during the time when he is receiving and digesting the evidence; for, as to the law, if it were all clearly expressed and written in a book, there never could be any considerable doubt. If any point was found to be really doubtful, the case should either be suspended, or decided provisionally, till the determination of the legislature, removing the doubtfulness, should be applied for, and received. But with regard to evidence, and the light which it yields, the only article of real importance in the pursuit of truth, the judge is far more favourably situated, in the summary mode of procedure, than in the regular; because, in the summary mode, it is the light of evidence to the collecting and presenting of which, in its most complete and trustworthy state, the force of every operation is directed. In the regular mode, so far is this from being the primary object, that a great proportion of the ceremonies have the unavoidable effect of compelling the evidence to be presented, in not the best possible, but a very inferior, state. With regard even to *time* for deliberation, the situation of the judge, under tardy, is worse than that of the judge under expeditious, procedure. Of the greater proportion of causes, the evidence may all be received and thoroughly understood in a very limited space of time. But causes do every now and then occur, in the case of which time is required, not only to receive, but complete the evidence; as when, by the hearing of one article of the evidence, other articles are indicated which time is required to produce. As often as occasions of this description occur, the rational mode of inquiry directs, that the judge should allow himself that portion of time, whatever

it is, which is suited to the exigence of the case. Under the regular mode of procedure, the judge is tied down to fixed times and seasons; and must decide upon the evidence which he has been able to hear, whether it is complete and well digested, or the contrary. The nature of regular or superstitious procedure, therefore, is to produce the opposite evils of delay and precipitation. The nature of rational procedure is to shun both evils; to retrench every moment of the time and labour expended in the performance of useless ceremonies; to ensure in the fullest measure all the time which is necessary for the most perfect reception and understanding of the evidence.

It is probable that the words "summary," and "regular," impose upon persons who give to the subject only a precipitate glance. They are very ill chosen; that is to say, they very inaccurately describe the objects which they are employed to denote. Summary has very frequently the same import as the term abridged. Now an abridged mode of procedure naturally means a mode of procedure in which some of the steps are left out; and if all the steps were useful, such a mode of procedure would be undoubtedly precipitate. But if no steps are left out, except those which are useless and pernicious; and all those which are of any use are much more carefully and much more perfectly performed, the summary mode of procedure is in reality the least precipitate; and also the most regular, if the exact adjustment of means to their ends, be the standard of regularity. Better names would be; the superstitious, instead of the regular, mode of procedure; and the rational, instead of the summary.

Thus far the way for the government of India is clear. For the performance of what is thus shown to be necessary, all that is wanting is the will. If this were done, let us then consider how much would be gained. The mass of causes, that mass which, in India, smites, by its magnitude, the administration of justice with impotence, divides itself into two classes: First, that of the causes which derive themselves from the vices of the law: Secondly, that of those which derive themselves from the vices of the people. There are few other; there can be but few other. How great the proportion of those which are derived from

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the vices of the law, the complaints of the judges and other functionaries in India abundantly disclose. We learn that the great body of the people are excluded from the courts of law by means of the expense; that oppression reigns, because the people are unable to sue for redress; that universal encouragement is given to one man to withhold from another what is his due, by the certainty of delay, and the two chances, first of not being prosecuted, and secondly, of baffling the plaintiff by the uncertainties of the law. We also learn that a wide field of impunity is ensured to every species of crime, the most atrocious not excepted: first, because the people, upon whom the expense and trouble, arising out of the dilatory and costly proceedings of the courts, impose a burden greater than they are able to bear, fly from the duty of appearing as witnesses or prosecutors against delinquents; secondly, because delay produces the frequent destruction of evidence; and, together with the uncertainties of an unwritten law, and the complicated ceremonies of a superstitious mode of procedure, affords the greatest chance of escape. From the whole then of these evils; to which is in a great measure to be ascribed the destructive anarchy which exists under the government of India; from the whole, I say, of that part of the mass of litigation which grows out of the vices of the law, and all the evils with which both are attended, the reform of the law, that is, an accurate code, an adequate judicial establishment, and a rational mode of procedure, would effect a complete deliverance.

No litigation would then remain, to prevent the effectual administration of justice, but that which would arise from the vices, intellectual or moral, of the people. The number of difficulties being greatly diminished, the power of coping with them would be greatly increased. It is also an important consideration, how much the vices of the people depend upon the vices of the laws, and how necessarily the vices of the people diminish, as the virtues of the laws are increased. Of this no man will doubt; that the most effectual step which can be taken by any government to diminish the vices of the people is, to take away from the laws every imperfection by which the vices, to impart to them every perfection by which the virtues, of

the people may receive encouragement. On a former occasion we have heard Lord Cornwallis declare, that the *prosperity* or *decline* of any people may always be referred to the laws, as their source.[1] To the same copious fountain of all that is good, or all that is evil, with still greater certainty may their *vices* and *virtues* be traced.

The vices among the people of India which tend most to enfeeble the arm of justice, are two; their proneness to perjury; and their perfidy as agents of police: the one rendering it extremely difficult to convict offenders upon satisfactory evidence; the other shielding them from detection and apprehension. One would think it was not an effort beyond the reach of the human mind to find remedies of considerable efficacy for those diseases.

First, in regard to perjury; the powers with which government, in this, as in other cases, is capable of acting upon the human mind, are three; the power of instruction; the power of reward; and the power of punishment.

On the subject of perjury, it appears, that the people stand peculiarly in need of instruction. Under the native systems, legal or religious, particularly the Hindu, perjury was treated as a very trifling and venial offence. The most effectual measures should be adopted to make them clearly comprehend, that there is no crime upon which the present government looks with more abhorrence; and that there is no quality which will be employed as a more certain mark to distinguish the objects of its favour and disfavour. Effectual modes of communicating this knowledge would not be difficult to find. It is observable, that wherever governments are in earnest about the communication of any article of knowledge to the people, they seldom remain destitute of means. They are seldom baffled, we see, in communicating a complete knowledge of what they wish to be done by the people, how complicated soever it may be, in making payment of taxes. It would be easy in India, for example, to print upon the receipt of taxes, or any other paper of general distribution, a short and clear description of the crime of perjury; with a notification, in the most impressive terms possible, of

[1] Vide supra, p. 473.

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the deep abhorrence in which it is held by the government, and the severe punishment, both direct and indirect, to which it is exposed. To secure attention to this or any other article of information, many expedients might be found; rendering it, for example, necessary to answer certain questions, before any one could be admitted to perform certain acts. Where the manners of the people suffer any important condition to be placed before the permission to contract a marriage, it might be rendered conductive to many good effects.

In regard to the application of rewards and punishments, the channel in which the conceptions of the Reformer should run, is all that can here be easily shown. In the first place it is obvious, that every man whose veracity in a court of justice appears without suspicion, should be treated by the court with peculiar respect, and pointed out as an object of honour and esteem. He might be asked, if he had any favour to request, or any service to point out, which the court could render him, to testify its opinion of his virtue: he might be furnished with some honorary badge of distinction; and might even receive a ticket with should point him out as an object of favour to all the instruments of government, and to all those who wished to make the government their friend.

The punishments which have been applied to this offence appear, by the complaints of the Indian judges, not to have been skilfully chosen, and to have been attended with little advantage. To prevent a crime of which the mischievous effects are so great, one would be willing to go to the expense of considerable severity, provided it were well adapted to the end. We are informed that severity of punishment has greatly diminished the prevalence of perjury before the Supreme Court; but the information is too general to enable us to ascertain the value of the fact. One circumstance there is which renders severity of punishment peculiarly inapplicable to this crime; and that is, the uncertainty of proof. In the greater number of cases, perjury is rather strongly suspected than clearly proved; and a judge, whose humanity is considerable, will not execute a terrible punishment, where he is not perfectly assured of guilt. The consequence is,

that in the great majority of cases, the perjurer, for want of certain evidence, escapes, and the crime receives encouragement. On the other hand, if the punishment were mild, and the evil not incapable of reparation in case of mistake, a strong suspicion would suffice for the inference of guilt, and few delinquents would be suffered to escape. There is another consideration, of the highest possible importance; that perjury is not an offence which in every instance implies the same degree of guilt. In different instances, it implies all possible varieties of guilt, and very often, among the people of India, no guilt at all. Such, in many of them, is their imbecility of mind; so faint are the traces of their memory; so vivid the creations of their imaginations; so little are they accustomed to regard truth in their daily practice; so much are they accustomed to mingle fiction with reality in all they think, and all they say; and so inaccurate is their language, that they cannot tell a true story, even when they are without any inducement to deceive.[1] Again, perjury is always committed as an instrument in the service of some other crime; and bears the character of guilt, in a low or high degree, according to the nature of the crime for the sake of which it is perpetrated. It may be committed in exculpation of one's self, or of a near relation or friend; and for a slight or an atrocious offence; it may be committed for the accomplishment of a petty fraud; or it may be committed for the deliberate purpose of taking away the life of an innocent person. It is evident, that in these cases, there is the greatest possible difference in point of guilt; and the feelings of our nature revolt at the thought of inflicting the same punishment upon all. In the case of this, as of other accessary crimes, common good sense,

[1] The following is a case so analogous as to afford some instruction. "He that goes into the Highlands with a mind naturally acquiescent, and a credulity eager for wonders, may come back with an opinion very different from mine; for the inhabitants, knowing the ignorance of all strangers in their language and antiquities, perhaps are not very scrupulous adherents to truth; yet, I do not say that they deliberately speak studied falsehood, or have a settled purpose to deceive. They have inquired and considered little, and do not always feel their own ignorance. They are not much accustomed to be interrogated by others; and seem never to have thought upon interrogating themselves; so that if they do not know what they tell to have true, they likewise do not distinctly perceive it to be false.—Mr. Boswell was very diligent in his inquiries; and the result of his investigation was, that the answer to the second question was commonly such as nullified the answer to the first." Johnson's Journey to the Hebrides.

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not to speak of legislative wisdom, directs that it should be punished in some proportion to the principal crime;—the crime the benefit of which was the motive to the transgression.

In tracing the truth, through the mazes of Indian evidence, there is required in the judge, not only much acuteness and sagacity, but great acquaintance vith the habits and manners of the people; that he may be able to interpret the innumerable indications which are given by peculiar modes of expression and deportment. The grammatical construction of the sounds which pass through the lips of a witness, is often the least part of the instruction which a penetrating judge derives from him. Even in the native country of the Judge, experience gained from long practice in the modes of thinking, acting, and speaking, of the principal class of depredators, is found to give him important advantages in extracting the evidence of guilt. The extraordinary disadvantages, under which Englishmen, totally unacquainted with the manners of the Indians, lie, when they begin to seek their way through the labyrinth of Indian testimony, can be easily conceived. This ignorance is, accordingly, singled out, by some of the most intelligent of the Company's servants, as a source, and one of the principal sources, of the wretched administration of justice. The civil servants of the Company, who ascend to the office of Judge in routine of service, have, in general, no opportunity of obtaining any considerable acquaintance with the modes of thinking of the natives, and the evidence which their peculiarities import.

Another consideration, which ought to be impressed upon the minds of those who have in it their power to amend the legislation of India, is: that well to perform the service of a judge, skilfully to extract, and wisely to estimate every article of a complicated mass of evidence, not only peculiar experience, and that acuteness and dexterity, which are acquired by habitual practice, are of the greatest importance, but also an enlightened acquaintance with those general principles regarding law and the administration of justice, which have their foundation in the general laws of human society, and which ought to run through and form the ground-work of the

laws of all nations. In a situation where the body of law is complete, and well adapted to its ends, the absolute necessity is not so great for this species of knowledge in the judge, because he has rules for his guidance in every thing. He has few rules for his guidance in India, where every judge must, in a great measure, be the rule to himself. Here, it is evident, he has the greatest possible occasion for the guidance of general principles, which an enlightened education alone can give. The youth who is destined to the great and delicate duties of a judge, in India, cannot be too carefully disciplined in that philosophy which gives the best insight into the principles of human nature; which most completely teaches the ends which the administration of justice has in view to accomplish, and the means which are best adapted to the ends. This sort of education is of importance not only for imparting a knowledge to the youths who become judges of what ought to be done; but for imparting to them a love for the ends of justice; and thus creating a grand set of motives for ensuring the performance of what ought to be done. If those on whom the legislation for India depends are in earnest for the establishment of good administration of justice, a good education for judges is one of the first reforms they will undertake. This reform, too, will be without difficulty; because all that is wanting is a good choice of means. The cost would not be exorbitant. Here also is another of the occasions which so frequently occur, of remarking the bitter effects of that wretched policy, by which the settlement of Englishmen in our Indian dominions has been opposed. Had all parts of India been stocked, as under a system of freedom would have been the case, with Englishmen, settled in the various occupations of agriculture, manufactures, and trade, there would have been in the country a sufficient number of English gentlemen, thoroughly conversant with the manners and character of the natives: many of them born and bred among them; gentlemen, to whom it would have added dignity, to be vested with the powers of judicature; and who would have been well pleased to discharge its duties for a moderate reward.

By these, or expedients such as these, it will probably be allowed, that the difficulties, arising from the preva-

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lence of perjury in India, might to a great degree, be overcome, It is next to be inquired, what is capable of being done for the improvement of the police; that is, for the best organization of the powers necessary to detect and and apprehend offenders, and to guard the people against the mischief they pursue.

Although, in a situation where the moral sanction operates with so little effect as in India, where the intellects of the people are too weak to distribute their love and esteem, their hatred and contempt, with operative energy, upon the acts, respectively, by which society is benefited, or injured, the difficulty of ensuring a tolerable discharge of the duties of the men employed as agents of police is greatly enhanced; yet, in every situation, agents will violate their duties, if it is their interest to do so; and if in India it is made their interest not to violate them, we may count, with tolerable certainty, upon their being performed. We see the end, then, for which the means remain to be provided. On the subject of those means, a few general suggestions are all that can here find an appropriate place. Much both of local and of appropriate knowledge is required for details.

One observation there is, of which it is of importance that the weight should be felt. Were the business before the tribunals well performed, by removing the imperfections of law and judicature, the difficulties of police would be greatly reduced. As every offender would be pretty sure to suffer, who was actualiy detected and apprehended, the number of crimes would be so far diminished, and the agents of police more afraid to transgress. If the people were not punished for giving information, by a load of expense and trouble, they would afford means of great value for detecting and apprehending the authors of crime. Their apathy might be overcome by appropriate instruction, and by gentle applications of both punishment and reward. Protection, indeed, would be required against the the vengeance of the dacoits; and this should be one of the first objects of government. No exertion of its powers can be too great, to pursue immediately, and incessantly, the gang by which any enormity has been committed in revenge for information. It should be seen and felt, by the whole community, that government will never rest, til it

has seized the men by whom a crime, in so high a degree injurious to society, has been perpetrated, and till it has inflicted upon them the punishment which the repression of so dreadful an enormity requires. As one great end would be, to interest and rouse the people, might they not be called forth, in such a pursuit, in the mode of a *posse comitatus?* One expedient will naturally suggest itself to every body. The army could not be more usefully, nor more honourably employed, than in protecting the people who maintain them, from internal, as well as external, foes. All that would be necessary would be to distribute the men with their officers according to a skilful organization, combining their operations, in the smallest parties, with their operations in a body. The organization of people called *gens-d'armes* in France, would afford the instruction of an example. The concurrence of their will might be ensured by reward, as well in other shapes as in that of honour, which would be so justly their due. Against the abuse of their powers, a well-ordered plan, and certainty of punishment, might afford a pretty effectual security. Objections will be drawn from the danger to the morals and discipline of the soldiers; but the same securities which preserved them from the abuse of their povers, would also preserve them from the loss of their virtue. A more serious difficulty would be to supply their place when called away by the demands of war.

The best remedy to this, as to many other difficulties which baffle, and, without it, will long continue to baffle, the powers of the Indian government, would be found among the admirable effects of colonization. If Englishmen were mixed in considerable numbers among the natives, it would be easy to find a sufficient number of men, whose intellectual and moral qualities would fit them for guiding the native agents in the functions of police; and through whom it would be possible to prevent the abuse of the powers of those agents by ensuring its detection and punishment. The parent which begets the crimes of the darogahs, as of the dacoits, is their knowledge of the inability of government to punish them.

When the business of detection and conviction is accomplished, punishment remains. On this subject a few

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observations are still to be made. As crimes have multiplied, increasing severity of punishment has been tried, and the multiplication of crimes has not been diminished. Beside the general experience and arguments which prove the inefficacy of severe punishments for the repression of crime, peculiar reasons apply to the case of India. Under the infirmities which diminish the evidentiary force of almost all Indian testimony, the cases are comparatively few in which the guilty can receive conviction on very satisfactory evidence. The feelings of no humane judge will permit him to inflict a cruel punishment, such as death, or anything approaching to death, when the evidence is not complete. His only alternative is, to acquit; the consequence is, that in a great proportion of cases, the guilty escape: and crime receives that effectual encouragement, which uncertainty of punishment always affords.[1] For such a combination of circumstances as

[1] Fifth Report, p. 588, 589, where we find the following excellent remarks, addressed by E. Strachey, Esq., one of the Moorshedabad Judges, to the Court of Nizamut Adaulut, under date 19th August, 1808.

"I must again entreat the attention of the Court to some suggestions with respect to the police, and to the operation of the more immediate causes of dacoity; and to a consideration of the reasons, why the sanction of the criminal law is become inefficient in the way of example, and can no longer deter from the commission of crimes, or affect any criminals except those who, in justice, are not deserving of severe punishment.

"I consider it as out of the question, to improve the moral and religious principle of the people, by direct positive institutions. We are too ignorant of the natives to attempt anything so artificial without imminent risk. We do not understand the operation of such institutions on their minds, or their tendency, with respect to the frame of the society. As for the criminal law, I believe the impolicy and inefficacy, even the mischief of very severe punishments, is generally acknowledged, as well as the injustice of inflicting punishment, where other remedies might have been used with equal effect. With respect to increasing the severity of the criminal laws, we have before our eyes an admirable example. In 1803, and again in 1805, this principle was expected to prove a remedy for dacoity. It has been tried, and it has utterly failed. As it is impossible to conceive a case more directly in point, or a more full, simple, convincing proof of the insufficiency of the means to the end; I trust no increase in the severity of the criminal law will ever be again resorted to.

"As punishments are more severe, stricter proof of the crime is required and consequently a proportionally greater number of criminals escape conviction. Besides, the terror of the severe punishment makes the criminal more careful to guard against being taken; and as it has no tendency to increase the activity of the police, but the contrary, the number of offenders apprehended will, of course, be less than before. The dacoits now guard against the dangers of apprehension and conviction, by corruption and terror. They would give more bribes, and commit more murders, if they thought more precaution necessary; and the consequence would be, that the difficulties of apprehending and convicting dacoits would increase, and people who had been robbed and tortured would still be compelled to perjure themselves that they might not be murdered.

"And with respect to the administration of the laws, are not the Judges now intrusted with as much power as is proper? And if the law was made more

that which India presents to the hand of the legislator, the rational course of expedients would undoubtedly be, to apply that lenity of punishment with which alone it is found that certainty can be combined; to prescribe no punishment which, upon strong presumption of guilt, the mind of a man would revolt provisionally to apply; to make use of no punishment the evil of which cannot be repaired, if the innocence of the prisoner should afterwards appear; and then to prescribe unsparing conviction as often as the balance of probability inclines to the side of guilt.

That admirable instrument for the application of all sorts of reparable punishments, and not only of reparable punishments, but what is infinitely better, of reformative punishments, punishments under the operation of which the restoration to society of hardly any offender would be an object of despair: the Panopticon penitentiary house, invented and described by Mr. Bentham, an organ of justice so well adapted to the exigencies of every community, would, with extraordinary advantage, apply itself to the extraordinary circumstances of Bengal. For individuals, under every species of guilt, and every legal degree of suspicion, an appropriate place would be found in one of these important hospitals for the mind; and society would no longer be exposed to danger from any individual to whom probable evidence of a mischievous character attached.[1]

Under the existing system, the penal contrivances

severe, would it not be necessary to extend their power still further! And are we all fit persons to be intrusted with discretionary power to inflict punishments which are by many considered to be worse than death?

"Persons who are intrusted with such powers ought to be appointed from no other consideration whatever, but that of the fitness of the man for the place. But I would ask, whether all our appointments have ever been so filled? And whether it is probable, from the nature of our service, that they ever will be? We may all be judges, learned and unlearned."

[1] The want of this important instrument of judicature is felt, though not distinctly understood, by some of the Company's judges. The answer to the interrogatories, in 1802, from the magistrates of the twenty-four pergunnahs, says; "A number of the convicts at this station are employed in repairing some of the public roads in the vicinity of Calcutta, &c. The number of guards requisite to superintend and watch the convicts, thus employed, prevents our keeping so many of them to work, as we could wish, and as the preservation of their health seems to require. The construction of a house of correction, in the vicinity of the jail, where all the convicts who are capable of work might be kept in constant labour, would remedy the evil, and appears to us to be a preferable mode." Fifth Report, ut supra, p. 553.

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appear to be no better adapted to their end than those which we have already contemplated. In the report from Moorshedabad, in 1803, "the number of crimes," say the judges, "committed annually in the division under our jurisdiction, appears to have increased since the year 1793. The causes to which we ascribe the increase, are; the want of a preventive police; and the inefficacy of imprisonment, as a punishment, for either reformation or example. We do not perceive any effects from the regulation, which declares persons convicted of the crime of perjury, liable to be marked on the forehead. In the course of our judicial duties, we still meet with the same barefaced disregard of truth, which always characterized the natives of India. The punishment of transportation, introduced by the British government, falls chiefly on dacoits. And yet the crime of dacoity has not decreased in the division under our authority. To judge, therefore, of its operation by this result, it would follow, — that the punishment is of no effect; and the terror of it must daily diminish."[1]

A government which would render honesty and justice prevalent among its subjects must itself be honest and just. Sir Henry Strachey, who looked upon the evils of India with eyes more enlightened than ordinary, complains, that "no provision is made for the return of those convicts to their country, who are transported beyond seas for a limited time, although it is well known, that hardly any native possesses the means of procuring a passage for himself."[2] What is this, but, under the false pretence of a sentence of a limited number of years, to pronounce, in all cases of transportation, a sentence for life? Is it possible that a class of delinquents who know themselves exposed to become the victims of this injustice should not be hardened to greater ferocity, and on account of the wrongs which they are liable to receive, regard with less remorse the wrongs which they commit? Is it possible, that the most impressive of all examples of the government, should fail of its effect in imbuing the minds of the people with a reverence or contempt of justice?

There is another remedy for the evils of that delinquency which, to so dreadful a degree, prevails in India;

[1] Fifth Report, ut supra, p. 521, 524. [2] Ibid. p. 558.

a remedy which some of the agents of the Company's government have wisely and virtuously brought to view, and which from every consideration both of humanity and policy deserves the most profound regard. We have already learned from Sir Henry Strachey, that the vices of the people arise from their poverty and ignorance; and especially their poverty; because he expressly affirms, that "where labour is amply rewarded, where all can easily get employment, and where the poor are provided for, the people lead virtuous and industrious lives."[1] He frequently recurs to this important topic. On another occasion he says, "In a year of plenty, like the present, when few are in want of food or employment, dacoity will certainly less prevail, than in a year of scarcity." The connexion between poverty and crime is one of the laws of society on which, to a peculiar degree, the attention of the legislator ought to be fixed. None of the links in the moral constitution of our nature is more indissoluble; on none do a greater number of important consequences depend. That a perpetual struggle with the miseries of poverty and want operates with baneful effect upon the moral character, no man who has observed the laws of human nature will dispute. When a man has nothing to lose, and everything to gain, by disregarding the laws of society, by what power is he to be restrained? As soon as death by hunger stares him in the face, with regard to him, the law is deprived of its power; for what is the evil with which it meets him, to the evil from which he runs? Another thing ought to be well remembered, that extreme misery, and above all things the miseries of poverty, diminish the value of life; and that the man to whom life is a burden, is but little affected with the prospect of losing it. Whoever has had an opportunity of witnessing, with any habits and powers of observation, the deaths of the poor and the rich, must have been struck with one extraordinary distinction: in most cases, the rich part from life with great reluctance; the poor, except just in the

[1] Vide supra, p. 339, 340.

[2] Fifth Report, p. 559. In another place he says, "Great population, and poverty, produce misery and crimes; particularly in a country where there is no public, and consequently, no certain and regular, provision for the poor: Where there are, I may almost say, more poor than in any country: And where the *ability*, and disposition, of private individuals to support them, are continually diminishing." Ibid, p. 533.

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morning of hope, with a kind of satisfaction, a sort of pleasurable anticipation of the rest of the grave; an expression among those of them at least who have entered the vale of years, than which there is none more common, none to which the feelings are more truly attuned. It is also a matter of general experience, than the man whose thoughts are perpetually harassed with the torment of immediate, or the dread of future want, loses the powers of benevolent sympathy with his fellow-creatures; loses the virtuous feelings of a desire for their pleasures, and an aversion to their pains; rather hates their pleasures, as rendering the sense of his own misery more pungent; desires their pains, as rendering the sense of that misery the less. This is the account which all the wisest interpreters of nature have rendered ofthat cruel and ferocious character, which uniformly accompanies the hardships of the savage life. The man who sets little value on his own life is not likely to be much affected at the thought of taking away the life of another. The man who rather desires the pains than the pleasures of others, is not likely to deny himself any gratification; on account of the sufferings to others of which his pleasure may be the cause. Another result of immediate suffering is, that it produces an extraordinary greediness of immediate gratification; a violent propensity to any sensual indulgence which is within the reach. This is a result which deserves the greatest attention; and which is a recognized, experienced principle of human nature. The animal nature of man, when it is under suffering, impels him, with a force which is almost irresistible, to afford himself some compensation in the way of animal pleasure; any pleasure whatsoever, rather than none; that which he can most easily command; that which most completely takes from him awhile the grating recollection of his own wretchedness. It is a rule, accordingly, that the poorest people are the most intemperate; the least capable of denying themselves any pleasure, however hurtful, which they are able to command; hence their passion for intoxicating liquors; and hence, because still more wretched, the still more furious passion of the savage for those pernicious drugs. Nor is this all. The great restraining power, the happy influence which keeps the greatest part of mankind within the

bounds of virtue, is the love of esteem, and the dread of contempt; the passionate desire, which is natural to man, for the favourable regards, the dread and horror with which he contemplates the unfavourable regards of his fellow-creatures. The favourable regards, however, of mankind, can only be obtained, by pursuing a line of conduct which is useful to mankind; their unfavourable regards can be avoided, only by abstaining from every line of conduct which is hurtful to them. But it deserves to be considered with very great attention, that it is only in a state of some ease and comfort, that this salutary feeling exists in any considerable strength. And the wretchedness of poverty is attended with this evil consequence, that it excludes those favourable regards of mankind, the desire of which constitutes the strongest motive to virtue. It plunges a man into that state of contempt into which misconduct would have placed him: and out of which no virtues which he can practise are sufficient to raise him. The favourable or unfavourable regards of mankind, therefore, operate with little effect to restrain him from any course of action to which he is impelled. What, then, upon the whole of this induction, is the general result? That, in a state of extreme poverty, the motives which usually restrain from transgression; respect for the laws, dread of the laws, desire of the esteem and affection, dread of the contempt and abhorrence of mankind, sympathy with the pains and pleasures of our fellow-creatures, lose their influence upon the human mind, while many of the appetites which prompt to wickedness acquire additional strength.

If, therefore, the government of India would lessen the tendency to crime, which is manifested among its subjects to so extraordinary a degree, it must lessen the poverty which prevails among them to so extraordinary a degree.

If the state of crime be, as it undoubtedly is, a sort of criterion of the state of property, the people of India have been falling, since the year 1793, into deeper poverty and wretchedness. Knowing, then, what we thus know, of the progress of delinquency in India, what are we led to think of the unintermitting concert of praises, sung from year to year, upon the Indian government, and upon the

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increasing happiness of the indian people, of which that government is the cause?

The mode of increasing the riches of the body of the people is a discovery no less easy than sure. Take little from them in the way of taxes; prevent them from injuring one another; and make no absurd laws, to restrain them in the harmless disposal of their property and labour. Light taxes and good laws; nothing more is wanting for national and individual prosperity all over the globe. In India, where there is yet uncultivated a prodigious quantity of good land, the inference will suggest a doubt to no instructed mind. In more fully peopled countries, the effect has never yet been seen of good laws in keeping the pace of population back to the pace of food. The laws of human nature, clearly read, no less ensure the one result than they do the other.

The government of Bengal lost an opportunity, than which a finer never was enjoyed, of accelerating the acquisition of riches, and hence the growth of virtue, and decline of vice, in the great body of the people; when it declared the Zemindars, and not the ryots, the proprietors of the soil; when it sought by coercive and artificial means to create that vast inequality of fortunes, of which the corruption of the great body of the people is the never-failing result.

It is actually singled out, by the most intelligent of the Company's servants, among the causes of the prevalence of crime in India, as one, the operation of which is very particularly and distinctly felt. "Where considerable numbers," says Sir Henry Strachey, "are collected and associate together, especially if there happens to be much inequality of rank and fortune, the morals of the people are worst, though, compared to the inhabitants of other parts of the same country, they may be said to be neither indigent nor uninformed."[1] That nothing should be done to prevent inequality of fortune, the good of society, because the encouragement of production, requires. Laws for the purpose of creating and preserving a forced, unnatural inequality, are the result of a desire of making slaves of the many to make lords of the few. The original laws of India follow in this important respect the dictates

[1] Fifth Report, p. 539.

of nature. By permitting a man to dispose of his property as he pleases during his life, and leave it to any person, or any number of persons, after his death; and by dividing it equally among his children, or his relatives of equal proximity, if no disposition of it is made by himself, they favour that freedom of disposal, that perfection of ownership, that circulation and distribution of property, by which the benefits derived from property are in greatest perfection attained.

The temper and practice of the courts of justice are enumerated among the causes of the prevalence of crime; the courts of justice are represented as so immoral, that they infuse a deeper stain of depravity into the Indian character; and corrupt, beyond their usual pitch of wickedness, the natives who approach them. An imputation, more expressive of the interior depravity of courts of justice cannot easily be conceived. That the tribunals ought to be the guardians of morals, not the corrupters, is a general maxim; the guardians, both by the doctrines which they teach, and the example they afford. That any tribunal, however, which guides unhappy suitors through a maze of wretched ceremonies and forms should be other than a den of chicane, that is, of fraud; and the chief of all seminaries of the fraudulent arts, is not very possible. That such are the courts of justice in India, and above all the Supreme Court, the court of English law, is indubitably proved. Sir Henry Strachey, after stating, that where inequality of rank and fortune prevails, there "the morals of the people are worst," adds, "the same may be observed, respecting such persons as have occasion to attend our cutcherries."[1] In another place, he says, 'I beg leave here to offer it as my opinion, that little, morality is learnt in any court of justice. In Calcutta, I have reason to believe the morals of the people are worse by means of the system established by us. Nor do I attribute this solely to the size, population, and indiscriminate society of the capital, but in part to the Supreme Court. I scarcely ever knew a native connected with the Supreme Court, whose morals and manners were not contaminated by that connexion."[2] Enumerating the causes, which, under the English government, have

[1] Fifth Report, p. 539.

[2] Ibid. p. 539.

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operated to change the character of the natives, "the circumstance," he says, "of the jurisdiction of the Supreme Court, and the intercourse between the Natives and the lowest officers of that court, may be considered as one of the causes of that nature. But, I ask, whether the morals of the people are in any respect improved by these causes? Whether they have not learned all the low arts of chicanery, imposture, and litigiousness, peculiar to an English court of justice;—without a particle of plain-dealing, firmness, independence of spirit, or useful knowledge of any kind?"[1]

It has been alleged above, that most of the Indian judges point to education, as the only power from the operation of which a favourable change can be expected in the moral character of the people; on this subject, however, if Sir Henry Strachey is excepted, their views are superficial. The most efficient part of education is that which is derived from the tone and temper of the society; and the tone and temper of the society depend altogether upon the laws and the government. Again, ignorance is the natural concomitant of poverty; a people wretchedly poor, are always wretchedly ignorant. But poverty is the effect of bad laws, and bad government: and is never a characteristic of any people who are governed well. It is necessary, therefore, before education can operate to any great result, that the poverty of the people should be redressed: that their laws and government should operate beneficently. The education of the poor is not extended beyond the use of written, in addition to that of spoken language. Now this, considered nakedly by itself, and without regard to the exercise made of it, cannot be regarded as of any great value. In Europe, where books are so happily diffused, the faculty of written language, imparted to any people, must of necessity prove to them a source of new and useful ideas. But in India, of what sort are the books to which alone it can introduce them? The tales about their gods, from which they can derive nothing but corruption. In fact, the natives of India, and other parts of Asia, are very generally taught the use of written language;[2] and have been so from time

[1] Fifth Report, p. 527.

[2] See Malcolm's History of Persia, and Elphinstone's Caubul.

immemorial; yet continue the ignorant and vicious people, of whose depravity we have so many proofs. No: if the government would make the faculty of reading useful to the people of India, it must take measures for giving them useful books. There is one effectual measure for this purpose; and there never was, and never will be another; and that is the freedom of the press. Among the other admirable effects of a free press, one is, that it makes it the *interest* of government that the people should receive the highest possible instruction; compels the government to exert itself to the utmost in giving them instruction; to the end, that the people may not be in danger of being misled by misrepresentation; and that the government may be assured of their attachment whenever it deserves it. The Indian government, however, if a conclusion from its past may be drawn to its future conduct, will not choose a free press for the first of its ameliorating agents. Considering the mental state of the people of India, it is possible that among them, at the present moment, the unrestrained use of the press might be attended with inconveniences of a serious nature, and such as would surpass the evils it would remove. There is no people, however, among whom it may not be introduced by degrees. The people of India, it is certain, ought to receive, as one of the indispensable instruments of improvement, as much of it as they can bear; and this would soon prepare them, if properly encouraged, for the receipt of more, and hence, by rapid steps, for the enjoyment of it, in all its fulness, and all its efficiency. The government of India is told, indeed, by one of its own servants, from whose recorded instructions it might learn much, that something far beyond the power of mere schooling, a power which in India cannot be strong, is required to work any beneficial change in the character of the people committed to its charge. "The vices and the crimes of the people," says Sir Henry Strachey, "proceed from their poverty and ignorance; and I do not conceive they are likely to grow much richer or wiser, *while the present state of things exists.*"[1] By the present state of things he undoubtedly means the present state of the laws and the government; on which every thing else depends. What

[1] Fifth Report, p. 71.

he declares, therefore, is, that under the present state of the laws and the government, the improvement, either of the circumstances, or of the morals of the people is utterly hopeless; and that a fundamental change must take place in these, the primary sources of good and evil, before any change can take place in the streams they send forth. Next to the direct operation of ameliorated laws upon the intellectual and moral character of the natives, would be that diffusion of Englishmen in the society, by means of colonization, from which we have already seen that so many important consequences would flow.[1]

[2] Beside the official documents, which I have quoted as I went on, there is information of infinite importance, on the state of delinquency in India, on its causes, and on its remedies, in the work of a young Indian judge, lost to the world too soon, the work formerly quoted, on the "Political State of India," by Alexander F. Tytler, Esq.—M.

There is, no doubt, much that is commendable in these projected reformations; but, as is the case in all closet legislation, difficulties are disregarded — the relative importance of objects is miscalculated, and the efficacy of favourite remedies ludicrously overrated. That the laws should be comprehensive and precise, that tribunals should be in proportion to the wants of the people, and that justice should be administered without avoidable delay, are truisms which no person will dispute. But to enact a code of laws prematurely for a society, which, like that of British India, is in a course of constant and fundamental change, must leave very much to be done, very much to be undone. To multiply inefficient tribunals would be to multiply the chances of wrong, and justice administered without form or deliberation will often turn out to be injustice. The prevalence of perjury is exaggerated as has been before shown, and it may be doubted if sentences explanatory of its criminality on the back of a tax-gatherer's receipt will be more efficacious in suppressing it, than the stanzas to the same effect which are to be found even in Menu, or that a ticket granted as a certificate of veracious testimony by a court of justice would be very highly prized. That the judge should be qualified to interpret evidence by the innumerable indications which are given by peculiar modes of expression and deportment is, no doubt, highly desirable, and that he should be carefully disciplined in a knowledge of human nature and of the principles and practice of jurisprudence, is undoubtedly of equal importance, but a complete course of forensic education in England would delay the season of exhibiting its benefits in India, until the faculty of adaptation to climate and circumstances had passed away, and time and inclination would be wanting to acquire that intimate acquaintance with the people which it is admitted is equally essential to the formation of a perfect judge. That persons thus doubly qualified will be abundant and cheap in India, now that some half dozen indigo-planters, and sugar-growers rear their produce on their own lands, would scarcely be anticipated by our author, were he able to observe the effects of this universal panacea for all the defects of Anglo-Indian government. The conversion of the whole army into a military police, is a project not very likely to meet the concurrence of military men, and those who know how the troops in India are disposed of, will laugh outright at the notion of distributing the men with their officers all over the country, according to a skilful organization, which should combine their operations in the smallest parties with their operations in a body. It may be also doubted, if the government will be in a hurry to organize the whole of the population as gens-d'armes. And here, again an importance is attached to the admirable effects of 'colonization,' which it is safe prophecy to foretell, will never be realized, for colonization never will—never can, take place. With regard to the proposed mode of punishing crime, we much doubt the expedience of a Panopticon Penitentiary in Bengal, although it be the invention of Mr. Bentham. The conclusion of the inefficacy of the existing means of preventing or punishing built drawn from the assertion of the judges of Moorshedabad, that dacoits had

After the voyage of Lord Cornwallis to Madras, in 1793, he did not return to Bengal; but sailed for England in the month of August. To complete the view of his administration, the financial situation in which he left the Company is all that remains to be described.

In the year ending April 1793, the whole of the receipts of the Company in India amounted to 8,225,628*l.*; and the whole of the expenses amounted to 7,007,050*l.*; the difference is 1,218,578*l.*; the profit, or gain, which accrued to the Company upon the transactions of that year. In the receipts were included the subsidies from Indian Princes, and collections from the ceded and conquered countries, to the amount of 1,911,492*l.*; and in the expenses were included the interest of debts in India, and the money supplied to Bencoolen and the other distant settlements, amounting to 702,443*l.* The debts in India were 7,971,665*l.* The debts in England, exclusive of the capital stock, were 10,983,518*l.* To the capital stock, another million had been added in 1789, which, subscribed at 174 per cent., yielded 1,740,000*l.* The capital stock, on which was now paid a dividend of ten and a half per cent., amounted to 5,000,000*l.*[1] The financial results of this administration, when compared with the financial results of that of Mr. Hastings,[2] exhibit a decrease of the net

not decreased in the district under their jurisdiction in 1803, shows how dangerous it is to draw conclusions in a hurry, as the crime of dacoity has, since 1803, infinitely decreased in the division of Moorshedabad. The remarks which are made upon the relation of poverty and crime are unquestionably perfectly just and sound, but it may be doubted, if it is quite so easy as it is assumed to be, to enrich the body of the people. If the discovery be as palpable as is represented, it is marvellous that the old established governments of Europe have not found it out, and it is scarcely fair to the newly and anomalously-constituted government of India to expect that it *should set the* example. At the same time the novelty and peculiarity of our condition are favourable to progressive improvement, and in nothing is the text more to be reprehended than in the impression it tends to produce, that which was the 'present state of things' in 1808, was never to receive amelioration. The view which is taken of it is an extreme exaggeration of its defects; but it is the spirit of the British Indian Government to be perpetually reforming. The reforms are not always judicious—and they are often mischievous by being precipitate—by being premature—time is not allowed to consolidate one project, before, on account of some unessential imperfections which would correct themselves, it is swept away by an equally short-lived successor. Still, however, the tendency is praiseworthy and beneficial—and many changes have been made, and many more in progress, which are much more likely than colonization to ameliorate the condition of the native population. It is only necessary not to be impatient—nor to force on exotic reforms out of season, if we would wish them to take root and live.—W.

[1] See the accounts of the E. I. C. for 1793, presented to parliament in 1794. See also the Third and Fourth Reports of the Select Committee on India affairs, in 1810, with the accounts in the Appendixes.

[2] Vide supra, ii. 675.

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surplus, but to compensate for this, the extinction of a small portion of debt. The financial state of the Company, as it appeared on the face of the accounts, is thus a little better in one respect, but worse in another; and the point of deterioration more material, doubtless, than that of improvement. As the government of India, was, however, now the government of the ministry, it was the interest of the ministry to praise it. In this particular, they were, accordingly, by no means wanting to themselves. The influence of the ministry in parliament has been almost always sufficient to make the praises bestowed by the ministry be accepted in parliament as principles of belief; and the influence of ministry and parliament was combined, to give them an ascendancy over the belief of the nation at large. Mr. Dundas, no ordinary master in the oblique arts of ruling the minds of men, represented these financial results, as an object not only of rejoicing and triumph, but even of astonishment. He endeavoured to persuade, and succeeded in persuading, the parliament and the nation, that India had fairly begun to be, what India would continue to be, a vast source of wealth to the nation, affording a surplus revenue, sufficient to enrich the East India Company, and contribute largely toward the maintenance of the British government itself. Such were the strains which year after year were sung in the ears of the nation; and dictated the legislative proceedings. In fact, however, the favourable symptoms, inferior as they were to those exhibited in 1786, lasted for only a year or two. In 1797, a permanent deficit began, and the rapid accumulation of debt exceeded all former example. The joy, indeed, which was expressed upon the financial prospects of India, wherever it was real and not pretended, was founded from the beginning upon ignorance. Large sums had been obtained from new-made conquests, and the charge to be incurred for their government was not yet ascertained. As soon as that charge had time to swell to its natural, that is, its utmost limits, the disbursements of the Indian government outran its receipts.

END OF VOL. V.

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BY

MILL & WILSON.

IN TEN VOLUMES.

VOL. VI.

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BRITISH INDIA.

BY JAMES MILL, ESQ.

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BY HORACE HAYMAN WILSON, M.A., F.R.S.

MEMBER OF THE ROYAL ASIATIC SOCIETY, OF THE ASIATIC SOCIETIES OF PARIS, BOSTON AND CALCUTTA, AND OF THE ORIENTAL SOCIETY OF GERMANY; OF THE IMPERIAL INSTITUTE OF FRANCE, AND THE IMPERIAL ACADEMIES OF VIENNA AND ST. PETERSBURGH; OF THE ROYAL ACADEMIES OF BERLIN AND MUNICH, ETC., ETC.; AND BODEN PROFESSOR OF SANSCRIT IN THE UNIVERSITY OF OXFORD.

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IN 1793, the termination of the period assigned to the exclusive privileges of the Company so nearly approached, that the question of renewing the charter, and of confirming or changing the present system of govern-

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ment, could no longer be deferred. People had now so generally acquired the habit of lifting their eyes to the management of national affairs; and equal treatment to all so forcibly recommended itself as the best rule of government, that the commercial and manufacturing population were impelled to make an effort, more than usually strong for the freedom of the Eastern trade. The principal places of manufacture and commerce in the kingdom; Liverpool, Glasgow, Paisley, Manchester, Norwich, Exeter: exhibited combinations of the merchants and manufacturers, who passed the strongest resolutions; importuned the ministers; petitioned the legislature; and desired to have an opportunity of proving how much the real policy of commerce was violated, and the wealth of the country kept down, by the monopoly of so large a field of trade as that unhappily consigned to the East India Company.

The Indian government was so organized, as now very well to answer ministerial purposes; it was therefore the study of ministers to preserve things as they were. The Board of Control and the Court of Directors cast, with some skill, the parts which they had respectively to perform. A committee of Directors was appointed, whose business it was to draw up reports upon the subject of the Eastern trade, and to answer the arguments of those by whom the freedom of that trade was advocated or claimed. Three such reports were exhibited. They were in the first instance referred to the Committee of the Privy Council relating to trade and plantations; and in the proper stage of the business were submitted to the House of Commons.

On the 25th of February, Mr. Dundas, in the House of Commons, made a display of the pecuniary state of the Company. Fortunately for the designs which were in agitation, the accounts of receipt and disbursement presented, just at that moment, a balance of a large amount, on the favourable side.[1] Of this circumstance, the greatest

[1] Mr. Tucker observes, "If I were called upon to point out the period when the Company's finances abroad were in the most prosperous state, I should probably fix on the year 1792-3, for we then possessed an annual surplus sufficient to liquidate the territorial debt in little more than three years. The territorial charge incurred in England was inconsiderable; our possessions were more compact and manageable, and more productive with reference to their

possible advantage was taken. Every thing which could be effected by the confident assertions, so potent in persuasion, of men of influence and power, was done, to captivate the general mind with a prospect of Indian prosperity; to generate a belief that a great fountain, whence a perennial stream of wealth would flow upon the British nation, was, by the wisdom of its rulers, secured to them in India. Estimates were formed, with all the airs of accuracy, or rather of moderation, by which it was made to appear, that the surplus, exhibited by the account of the year immediately passed, would, in future years, rather increase than diminish. And with profound solemnity an appropriation, as if for perpetuity, was proposed, of a large superabounding sum, which would, it was said, be annually received from India. The eyes of men were successfully dazzled: and when Mr. Dundas called out to them, "Will you stop the tide of so much prosperity for untried theories?" those who knew but little either about the theory or the practice of the case, that is, the greater number, were easily made to believe, that there was a great certainty of securing what they were told was the actual influx of wealth, if they persevered in the present course; a great danger of losing it, if they allowed themselves to be drawn, by delusive prospects, into another.

The friend of Mr. Dundas, and, as well from intellect, as from office, the advocate of his schemes, Mr. Bruce, the historiographer of the Company, says, "Upon no occasion, perhaps, have men's minds been less prepared for a decision, on a subject of such magnitude and importance."[1]

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extent; and the produce and manufactures of India being in great demand in the west, our remittances could be effected on advantageous terms in commodities produced by the labour of an industrious population." Review of the Financial Situation of the East India Company, in 1824, by Henry St. George Tucker, p. 29. The surplus revenue of 1792-3 was 1,858,000*l.*, exclusive of a further sum of 200,000*l.* received from Tippoo. In 1793-4 it was 1,119,000*l.*, and in 1794-5 it was 1,182,000*l.* In the following year it declined to 800,000*l.*, and in 1796-7 to 240,000*l.* In 1797-8 there was a deficit which continued to prevail for several years. Ibid. p. 13. The expectations suggested by the surplus of 1792-3 were therefore precipitately entertained, although, as has been sufficiently proved by subsequent events, the revenues of India, when carefully administered, have been always more than adequate to the expenses of the government in time of peace.—W.

[1] Report on the Negotiation between the Honourable East India Company and the Public, respecting the renewal of the Company's exclusive Privilege of Trade, for Twenty Years, from March, 1794. By John Bruce, Esq. M.P., F.R.S., Historiographer to the Honourable East India Company, p. 13.

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It is, indeed, true, that the people were deplorably ignorant of the history and management of their East India affairs; and it was, on this account, the more easy to make them throw themselves, with blind confidence, upon the assertions of men, whose knowledge was presumed from their situation and pretensions.

An annual surplus of 1,239,241*l.* from the revenues and Commerce of India, after paying the Company's Indian charges of every description, was assumed. Of this magnificent sum, the following distribution was to be made. In the first place, as most due, it was proposed, that 500,000*l.* should be annually appropriated to liquidate the debt of the Company contracted in India. But in the next place, it was patriotically determined, that 500,000*l.* should be annually given to the nation, as a tribute from its Indian dominion. With regard to the remainder of the grand surplus, it was represented, by the Indian minister, as no more than equitable, that the meritorious proprietors of East India stock should not be forgotten. He recommended an increase of dividend from eight to ten per cent. By this, 10,000*l.* more of the annual surplus would be absorbed. A circumstance, which might have excited suspicion, but which appears to have been perfectly guiltless of any such disagreeable effect, was this; that, amid all these promises of wealth, the Company was in want of pecuniary assistance; and was to receive immediate authority for raising what was equivalent to a *loan* of 2,000,000*l.* It was not indeed to be called a loan. The *name* of a loan, associated with the idea of poverty, was at this time to be avoided. The Company were to be empowered to add 1,000,000*l.* to their capital stock, which, being subscribed, on the faith of a dividend of ten per cent., at 200 per cent., produced to the Company's treasury a sum of 2,000,000*l.* By this, it was said, the Company's bond debt in England would be reduced 1,500,000*l.* The dividend upon this new capital would exhaust 100,000*l.* more of the surplus revenue. Of the appropriation of the remainder, which, to show accuracy, and because even small sums are of great importance, was carried to the last degree of minuteness, it would here, however, be out of place to render any account.

After some affectation of discord between the Board of

Control and the Court of Directors, Mr. Dundas having pretended in parliament to believe it possible that the Company might decline to petition for the renewal of their charter on the terms which the minister desired to impose, the petition of the Company was presented to the House of Commons, and taken into consideration on the 23rd of April.

It was, to some of the opposing members, a source of complaint, when a measure, on which interests of so much importance depended, and about which so profound an ignorance prevailed, was to be considered and determined, that a committee, to collect and to communicate information, had not, as on former occasions, preceded the decision, for which a call upon the legislature was now about to be made. Such a committee, by which ministerial purposes were most likely at the present moment to be thwarted than served, the ministers represented as altogether unnecessary; because, there was no material circumstance, they asserted, relating to India, about which there was not sufficient information, in the valuable and numerous documents, which they had communicated to the House.

The speech of Mr. Dundas displayed and recommended the projected plan. In all the great and leading particulars, the scheme which had been introduced by Mr. Pitt's bill of 1784, and better adapted to ministerial or national purposes by the amendments or declarations of succeeding acts, remained without alteration.

The powers of the Board of Control, and of the Court of Directors, were established on the same footing, on which they had been placed by the declaratory act of 1788. The powers of the Governor-General and his Council, of whom was composed the supreme organ of government in India, with the powers of the Governors and Councils at the subordinate presidencies, remained as they had been established by the act of 1784, and the amending act of 1786. The monopoly of the Eastern trade was still secured to the Company. The appropriations recommended by Mr. Dundas, of a supposed surplus of revenue, were dressed in the formalities of law. The increase of dividend, and the increase of capital, were authorized. And the lease of the exclusive privileges was renewed for a term of twenty years.

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Only two alterations were introduced, of sufficient importance to require statement and explanation.

When the bill of Mr. Pitt entered the lists against that of Mr. Fox, the ground of patronage was the field of contention. On this it was, that, as the demerit of the one was to suffer defeat, the merit of the other was to be crowned with victory. On the part, therefore, of Mr. Pitt, Mr. Dundas, and their party, was required, either the reality, or in place of the reality, the affectation, of a sort of horror at the enormity of increasing ministerial influence. To evade objections from this source, objections which they themselves had raised to such a height of importance, it was arranged, on the introduction of the plan, that no salary should be annexed to the duties of the Board of Control. These duties were to be executed by Members of His Majesty's Privy Council, who had good emoluments, on some other score, and so little to do for them, as to be very well paid for discharging the duties of the Board of Control into the bargain. This make-shift, unless it be contemplated in the light of a trick, to amuse the spectators till their attention relaxed, when paid functionaries of the usual sort might be quietly introduced, is a species of burlesque on legislation. To attach to one office a salary whose magnitude is out of all proportion to the duties; next to create another office, with ample duties but no salary; and then to jumble both sets of duties however heterogeneous, into one set of hands, exhibits a singular contrast with the rule of securing every service by its own appropriate reward; and paying no more for any service, than the performance of the service strictly demands. The time was now come, when the same aversion to patronage was not necessary to be displayed. It was therefore enacted, that a salary, to be paid by the Company, should be annexed to the office of certain of the Commissioners of the India Board; and that, in the appointment of those Commissioners, the circle of the Privy Council should no longer be the boundary of His Majesty's choice.

The second alteration regarded the Indian trade. As an expedient, for softening the opposition of the commercial bodies, it was devised, that the Company should afford annually not less than 3,000 tons of shipping, in which

private individuals might on their own account traffic with India, subject to the restriction of not exporting military stores, or importing piece goods, and subject also to the restriction of lodging imports in the Company's warehouses, and disposing of them at the Company's sales.

In adducing motives for the approbation of these measures, Mr. Dundas was successful and unsuccessful: unsuccessful in offering any reasons which can now satisfy an enlightened inquirer, but completely successful in offering reasons which satisfied the bulk of his auditory. He began with what he knew to be a favourite topic for a British Parliament—the wisdom of contempt for theory. On this occasion, however, theory was treated by him with unusual lenity; for though Mr. Dundas affirmed that the theories to which he was opposed did not hold true in the case for which he had to provide; he was not very unwilling to allow that they held good in all other cases. The propositions, which Mr. Dundas here vilified by the name of theories, were two: the first, that the business of government, and the business of commerce, cannot, with advantage to the governed, be lodged in the same hands; the second, that freedom is the life of commerce, and restraint and monopoly its bane. What argument did Mr. Dundas produce to show that these propositions did not hold true in the case of India? India, said he, has hitherto been governed in contempt of them: *ergo*, they do not hold true in the case of India. Mr. Dundas, it is true, asserted also, that India had been governed *well;* but "governed well," in this case, means simply *governed*, and nothing more; "governed," somehow or other. As to the *quality* of the government, besides that it was the gratuitous and interested assumption, therefore worth nothing, of Mr. Dundas, what is the standard of comparison? India had been governed well, as compared with what? As compared with the highest state of advantage in which human nature is capable of being placed? This is what Mr. Dundas himself would not have ventured, even in his boldest moments of affirmation, to state. As compared with the ancient Mogul government? Was that the meaning of Mr. Dundas? A mighty boast! That the pride of British legislation should produce something not quite so

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bad as the despotism of barbarians. And this, even at that time, was a matter of doubt. It is, now, something more. If this, however, was the meaning, the logic of the ministers and of parliament, the one inventing, the other assenting, stood as follows: "India, in the hands of a civilized people, has been governed, not quite so badly, say the ministers, quite as badly, say other persons, as when it was under the despotism of barbarians. *Therefore*, it is true, that the union of commerce with government, and the monopoly of trade, are good things in India." This is a logic by which a man may be helped to a great variety of convenient conclusions. With Mr. Dundas, the Grand Vizir of Constantinople might say: The empire of the Sublime Porte is "governed well;" *ergo*, janissaries, and the bow-string, are excellent in the empire of the Sublime Porte. The above reasoning Mr. Dundas corroborated by an established parliamentary axiom, which he often found of unspeakable utility, that *all change in matters of government is bad.* Allow this, and it followed, with undeniable certainty, that all change in the government of India was bad. On the other hand, if the absolute and universal truth of that celebrated axiom should be susceptible of dispute, all the oratory which Mr. Dundas expended on the topic of change in general, falls, unsupported to the ground.

The particular change which his opponents contemplated, the removal of the government of India from the hands of a commercial corporation, would, he said, produce the following effects; it would retard the payment of the Company's debts; it would check the growing commerce between the two countries; and it would endanger the allegiance of India. He asked, if it would be wise to incur so much danger for a theory? With regard to the first two of these bare, unsupported assumptions, which ought to have passed for nothing, experience has provided the answer. The government has remained as Mr. Dundas desired, and the Company, so far from paying its debts, has enormously increased them; it has remained as Mr. Dundas desired, and the commerce, instead of increasing, has dwindled to a trifle. That in a well-ordered attempt to improve the mode of governing the people of India, there was any thing to weaken their allegiance, is so evi-

dently untrue, that it is wonderful there should be a legislative assembly, in a civilized country, in which it could be asserted without derision and disgrace.

1793.

"All this danger," said the Indian minister, "to be incurred for a theory?" First, Mr. Dundas's eagerness to escape from theory has not avoided the danger, but realized a great part of it. Secondly, when he treats the word *theory;* when all that class of politicians, to which he belonged, treat the word theory, with so much contempt, what is it they mean? *Thought:* all application of the thinking powers to the business of government, they call theory; every thing, in short, except mechanical trudging in a beaten track. In the present case, thought, applying the results of experience to the circumstances of India, endeavoured to foresee what mode of government would be attended with the happiest effects; but if ever thought, in consequence of this operation, recommends any thing different in government from that which actually exists, it is, by Mr. Dundas and his fellows, to receive the name of theory, and to be exploded. "All the good which now exists, will you sacrifice it to a theory?" When thought has accurately weighed the value of that which exists, and accurately weighed the value of that which may be got by a change; and, after all that is good and evil on both sides is maturely considered, pronounces deliberately that the second value is greater than the first; what is meant by asking, whether it is wise to sacrifice so much good to a theory? Is it not asking us whether it is wise to sacrifice the less good to the greater? In such cases the answer is, that it is wise, to sacrifice so much good to theory. It is only an abuse of language to express the facts in such inappropriate terms.

Mr. Dundas said, that no two persons agreed, in the substitutes which were proposed for the present plan. This, too, however ridiculous, is a standing argument against improvement. Yet it is not the question, whether few or many schemes are proposed; but whether any of them is good. It would be a strange maxim of government, that, where a great end is in view, and men have different opinions about the means, in that case all power of choice should be extinguished, and things must remain as they are. How numerous soever the opinions, it is

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still the business of wisdom to inquire what is best; and take the most effectual measures for carrying it into happy execution. It is worthy of particular regard, that almost all the general arguments of those who oppose the improvement of political institutions, may thus be traced up to one assumption; viz. That the original condition of human beings, the brutal savage state, ought never to have been altered; and that all those men who have laboured to make human nature what it is, ought to be condemned as wicked.

Among his other arguments, or more properly speaking his assertions, Mr. Dundas affirmed, that the surplus revenue in India could not be carried to England, which he affectedly called *realizing*, but by the Company's trade. There is nothing, it appears from experience, too absurd to pass for an argument in a aristocratical assembly. That neither money nor goods could be conveyed from India to England, except by the East India Company, was a proposition which it required no ordinary share of credulity to digest. Experience, moreover, has proved, what a knowledge of the theory of man would have foretold, that there would be no surplus revenue to bring.

Mr. Dundas made use of other assertions. He asserted, that free trade would produce colonization; and that colonization would produce the loss of India. Unhappily, it it is almost impossible to establish any considerable number of Europeans in India; because the natives subsist upon so little, that the wages of labour are too low to enable Europeans to live. If it were possible, nothing would be of so much advantage, both to the people of India, and to the people of England.

As a weight to counterbalance the arguments of those who pleaded for the separation of the commerce from the government of India, and for the dissolution of the Company, Mr. Dundas delivered it as his old, and, after much time and experience, his present and confirmed opinion, that, if the patronage of India were added to the other sources of the influence of the crown, it would be sufficient to ensure to the crown a majority in both houses of parliament, and would destroy the substance of the constitution, through the medium of its forms. The patronage of India was trasferred to the crown. It was the express

purpose of the declaratory act of 1788, to place the government of India fully and completely in the hands of the ministers. Is the patronage of the Admiralty Board, the patronage of the Commander-in-Chief, or that of the Lord Chancellor, less ministerial patronage, because it is by these functionaries it is dispensed? Was it possible to give to ministers the unlimited power over the government of India, and not to give the benefit of the patronage along with it?

The two great crimes of which the government in India had been accused were; pillage of the natives, and wars of conquest. The present bill, Mr. Dundas asserted, would cure these evils. How? It had two expedients for that purpose: the land-tax was now fixed; and the Governor-General was responsible to parliament.

For annexing salaries to the Board of Control, and enabling his Majesty to make any body a Commissioner, little trouble in search of a reason seems to have been thought necessary. Without a salary, and without a choice of other persons than members of the Privy-Council, no body, said Mr. Dundas, could be got who would keep the office so long, or attend to its business so much, as to be capable of taking a useful part in its management. Nine years before, was this incapable of being foreseen? But foresight is theory. When the Commissioners of Control were first appointed, there were persons who had so much salary, and so little to do for it, that they would be very well paid for both services; viz., those of the India Board, and those attached to the salary, added together. After an additional salary was got for the India Commissioners, what was done with the surplus salary of those who had too much for the services which it was intended to pay? Was any of it taken away? No. Why? To this last question, no answer is required.

By allowing 3000 tons, for private trade, in the Company's ships, Mr. Dundas took credit for having done something considerable in favour of the manufacturers and merchants. The source of advantage in private trade would be found in the more expeditious and economical methods to which private interests would give birth. By subjecting the private trader to the delays and expenses

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of the Company, Mr. Dundas cut off the possibility of advantage; and the merchants declined to occupy the unprofitable channel which he had opened.

In every one of the particular objects which this bill pretended to have in view; the enlargement of British commerce, the extinction of debt, and the prevention of cónquest; its failure, on experience, has proved to be complete.

It encountered very little opposition till its third reading in the lower house. On that occasion it was furiously assaulted by Mr. Fox. The House of Commons, he observed, had, in the year 1780, proclaimed their solemn opinion, that, "the influence of the Crown had increased, was increasing, and ought to be diminished." In defiance of this alarming declaration, in violation of the solemn protestations with which the nation were amused, upon the first introduction of the present system of Indian government, a new lot of influence was avowedly created. This was little. The mighty mass of evil existed in the influence which was warehoused for ministerial use with the Court of Directors. This was the most dangerous patronage at the disposal of the Crown. Why? because it was irresponsible. "Is it," said Mr. Fox, "to be placed in the hands of those who really have the power over it? No! it is to be given to their agents and dependants; whose responsibility, from the nature of their situation, it is absurd to speak of.—It has been asserted," he cried "that the patronage of India consists in the appointment of a few writers. If there is a man in this House! if there is a man in this country! if there is one man in the British territory in India! who can believe this assertion, I wish him joy of his credulity! I ask any man, who is not insane,—in whom, if this bill shall pass into a law, will the whole of the patronage of India be invested? Will not the Company and their Directors be the mere tools of the minister? Who appointed Lord Cornwallis? Who Sir John Shore? The clear effect of the measure is to give to the minister all the power, and screen him from all responsibility."[1]

Mr. Pitt answered: by complaining that his opponent had deferred to the last stage the statement of his objec-

[1] Parliamentary Debates, 24th May, 1793.

tions; and by endeavouring to show, that the appointment of writers to India, who begin as clerks, and rise by seniority to places of importance, could not greatly increase the influence of ministers, even if their power over Directors were as complete as the argument of the opposition supposed. This, however, was not to deny, that ministers possessed all the influence created by the patronage of India; a fact which, at this time, Mr. Pitt did not affect to dispute: it was only to assert, that this influence, when it was got, was of inconsiderable importance. This was to contradict his own arguments against the bill of Mr. Fox; and to recant every assertion by which he had successfully covered it with odium. It was also to contradict the principal argument by which Mr. Dundas had defended the propriety of continuing the government of India in the hands of a commercial company. But it did not subvert the truth, that a mass of wealth equivalent to all the lucrative offices in India, ready to be employed by the Crown, in purchasing the co-operation of those who were appointed to check it, would contribute largely to convert the checking into a confederate body; and to establish a fatal union of King and parliament upon the ruin of the people.

The views of the parties who demanded, on this occasion, a change in the management of Indian affairs, are too nearly the same with the views, which have already been discussed, of preceding parties, to require any particular examination. The merchants petitioned chiefly for freedom of trade. On what grounds of reason, has been, as far as compatible with the nature of the present undertaking, already disclosed. The political change which most of the complaining parties appeared to contemplate, was the transfer of the details of government from the Court of Directors to his Majesty's ministers. On what ground, it appears to me, that the transfer of power which has already been made from the Court of Directors to his Majesty's ministers is not an improvement, and, by parity of reason, that any further transfer would not be an improvement, has been seen in my explanation of the nature of the instrument for the good government of India, which was provided by Mr. Pitt, in the Board of Control.

To communicate the whole of the impression, made

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upon a mind, which has taken a survey of the government of India, by the East India Company, more completely through the whole field of its action, than was ever taken before, and which has not spared to bring forward into the same light the unfavourable and the favourable points, it may be necessary to state, and this I conceive to be the most convenient occasion for stating, That, in regard to *intention*, I know no government, either in past or present times, that can be placed equally high with that of the East India Company; That I can hardly point out an occasion on which the schemes they have adopted, and even the particular measures they pursued, were not by themselves considered as conducive to the welfare of the people whom they governed; That I know no government which has on all occasions shown so much of a disposition to make sacrifices of its own interests to the interests of the people whom it governed, and which has, in fact, made so many and such important sacrifices: That, if the East India Company have been so little successful in ameliorating the practical operation of their government, it has been owing chiefly to the disadvantage of their situation, distant a voyage of several months from the scene of action, and to that imperfect knowledge which was common to them with almost all their countrymen: But that they have never erred so much, as when, distrusting their own knowledge, they have followed the directions of men whom they unhappily thought wiser than themselves, viz. practical Statesmen, and Lawyers; And that, lastly, in the highly important point of the servants, or subordinate agents of government, there is nothing in the world to be compared with the East India Company, whose servants, as a body, have not only exhibited a portion of talent which forms a contrast with that of the ill-chosen instruments of other governments: but have, except in some remarkable instances, as that of the loan transactions with the Nabob of Arcot, maintained a virtue, which, under the temptations of their situation, is worthy of the highest applause.

For the immediate successor of Lord Cornwallis, choice was made of Mr. Shore, a civil servant of the Company, whose knowledge of the revenue system of India was held in peculiar esteem. Pacific habits, and skill in revenue,

were possibly regarded as means abundantly necessary for realizing those pecuniary promises, which had been so loudly and confidently made to both the parliament and the people of England.

About the same time that Mr. Shore, dignified for his new station with the title of Sir John Shore, succeeded to the substantial power of the government of Bengal, its nominal sovereign, the Nabob Mubarek ud Dowla, died, after a life of thirty-seven years, and a reign of twenty-three. He left twelve sons and thirteen daughters, and was succeeded by his eldest son Uzeez ud Dowla, who was solemnly proclaimed at Calcutta on the 28th of September.

The first important circumstance which solicited the attention of the new Governor-General, was the appearance of an approaching rupture between two of the late confederates; the Nizam, and the Mahrattas. The views, upon one another, of these two states, had undergone no permanent alteration from the union to which the desire of sharing in the spoils of Tippoo had given a temporary existence. Intervening circumstances had nearly matured into act their inimical designs.

The treaty of alliance, offensive and defensive, between the English, the Nizam, and Mahrattas, included a mutual guarantee against the common object of their hatred and apprehensions, the sovereign of Mysore. This guarantee Lord Cornwallis appears to have thought of great importance for English security. It follows, that he must have expected greater benefit from the co-operation of the Nizam and Mahrattas, in case of an attack, than mischief from entanglement in the wars to which the turbulent politics of these native states would certainly give occasion. The mode in which the contracting parties were to act, in accomplishing the objects of the guarantee, was left, in the treaty concluded previously to the war, to be settled by subsequent regulation. So much had the Governor-General this affair of the guarantee at heart, that he endeavoured, as soon after the war as possible, to secure it by an express treaty devoted to that particular object. It was, however, to be an extraordinary treaty; for Lord Cornwallis, not being altogether without foresight of the evils likely to abound from an obligation to take a

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part in the wars which the Nizam and Mahrattas might kindle, was for inserting an article, by which the allies were not to assist one another, except, just when they pleased; or, as he chose to express it, "until they were convinced that the party requiring assistance had justice on his side, and all measures of conciliation had proved fruitless."[1]

A draught of a treaty, to this effect, was transmitted to the courts of Hyderabad and Poonah. The Nizam, though fully sensible that the English alone stood between him and destruction, was yet encouraged to the hope of drawing his profit out of the eagerness for this treaty which the Governor-General displayed. A dispute had already sprung up between him and Tippoo Sultan. The Nabob of Kernoul was the dependant of the Nizam. On that chief Tippoo was urging claims which the Nizam contested. When solicited on the subject of the treaty, the Nizam demanded, as the price of his consent, the support of the English in the affair with Tippoo. This behaviour, the English, who knew their advantages, treated as a crime; and expressed so much of anger, that the Nizam was eager to redeem his offence by unlimited complaisance.

As the power of the Mahrattas was different, so was their temper. The Poonah Councils were still governed by Nana Furnavese, who now despairing of assistance from the English to support him against the designs of Sindia, opposed to the importunities of the Governor-General on the subject of his treaty, evasion and delay. At last the Mahratta minister produced a sketch of a treaty of guarantee to which he expressed his willingness to accede, but involving terms, the acceptance of which, it is probable, he did not expect. Among these was an engagement for realizing the claims of chout upon the the dominions of Tippoo.

The Mahrattas were jealous of the enlarged, and growing power of the English. They were impatient to reap the spoils of the feeble Nizam; an acquisition, to which they

[1] Letter from Governor-General to the Resident at Poonah, dated 7th August, 1792. Colonel Wilkes says, on this occasion, "The policy of his Mahratta allies was in direct and systematic opposition to every thing explicit and definite in its connexion with other powers." In this way, it might be supposed, that this was a clause exactly to suit them.

regarded the connexion of that prince with the English as the only obstruction. Sindia, whose power had been so greatly increased, now exerted a decisive influence on the Mahratta councils, and entertained designs of future grandeur with which the ascendency, or rather the existence, of the English in India was altogether incompatible. He was not solicitous to disguise his hatred of the connexion between them and the Nizam; or the satisfaction with which he regarded the power of Tippoo, as a counterpoise to the still more formidable power of the English.

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After a negotiation of more than a year, the accession of the Mahrattas to the union so fondly projected by Lord Cornwallis, was regarded as hopeless. The Nizam, who saw in their aversion to the proposed engagements, a design of holding themselves at liberty to fall upon him, was kindled to an ardent pursuit of the guarantee; and urged upon the English government the propriety of concluding the treaty singly with him; as it could be no reason, because a third party swerved from its engagements, that the other two should abandon theirs.[1] It entered, however, into the policy of Sir John Shore, to avoid whatever could excite the jealousy of the Mahrattas: the English government, accordingly, declared its satisfaction with the verbal acquiescence of the Nizam; and on the part of the Mahrattas, with a promise, incidentally given, that they would act agreeably to existing treaties.

The Nizam became at last so much impressed with the prospect of the dangers around him, that on the 1st of January, 1794, Sir John Kennaway, the English Resident at Hyderabad, described him to the Governor-General, as prepared to form, with the English, engagements, which would render them masters of his country for ever; and urged the wisdom of not allowing so favourable an opportunity to escape.[2]

[1] Sir John Malcolm thinks this good reasoning, p. 142.

[2] See his despatch to the Governor-General, dated Hyderabad, 1st Jan. 1794. The words of Sir John Malcolm, reporting and applauding this advice, are worthy of insertion. "In this [the despatch in question] the Resident states his conviction, that the circumstances in which the court of Hyderabad was then placed, and the character of those by whom it was ruled, were such, as gave us an opportunity, which it was wise and politic to use, to establish an influence and power in its councils, which would enable us to command its future exertions, and benefit from its resources under any events that could occur." Sketch, &c., p. 144. The opinion of two such distinguished functionaries of the Company, so thoroughly conversant in the politics of India,

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The course into which the Mahrattas had been guided by impulse of the circumstances in which they were placed, very highly favoured the extension of the dominion, by gradual encroachments upon their slothful and improvident governments of India. Enabled from the nature of their country, and their state of society, to exercise with advantage a continual war of depredation against the surrounding states, they were often bribed to forbearance, by those who could find no other security against their ravages. The terms of this agreement came at last to be fixed, at a fourth part of the revenues of the country which they consented to spare. This was an opening, at which the stronger party generally found the means of introducing whatever was required for the final subjugation of the country. The fourth part of the revenues was always a disputed sum; and as the Mahrattas endeavoured to make it appear to be greater than it really was, the government of the country endeavoured to make it less. Nothing is ever paid by an Indian government, so long as it can help it; least of all, an odious tribute. The Mahratta chout therefore was seldom paid, except by the terror of a Mahratta army; and by consequence it was almost always in arrear. Under the pretension of security against imposition and delay in the receipt of the chout, the Mahrattas as often as possible insisted upon sending their own officers into the country to collect it. This gave them a power of interference in every measure of the government, and the support of a body of partisans, who, exercising the powers of Indian tax-gatherers, were masters of the property, and to a great degree of the person of every man subject to their exactions.

The dominions of the Nizam had long sustained the Mahratta chout; and previous to the connexion which was formed between the Hyderabad government and Lord Cornwallis, the Mahrattas exercised so great an authority in his country, that the minister of the Nizam was more attentive to the wishes of the Mahrattas than the com-

respecting the real import of those engagements, by which the native Princes accepted the Company's troops as the instrument of their defence, is more instructive as throwing light upon the hypocrisy of preceding, than the plain dealing of subsequent times.

mands of his master. During the necessity of exertion against Tippoo, and the union formed for his subjugation, the Mahrattas had yielded to a temporary relaxation of their influence over the country of the Nizam. But they now intended to resume it with improvements; and a long arrear of chout afforded the pretext for interference.

The English government offered its mediation. The ready acceptance of the Nizam was not a matter of doubt. The Mahrattas employed evasion; and as soon as they were convinced that the interposition of the Governor-General would certainly not be with arms, they treated his mediating propositions with frigid indifference.

A circumstance, calculated to alarm the English government, occurred. Tippoo Sultan had an army in the field, and either intended, or under terror was suspected of intending, a confederacy with the Mahrattas for the subjugation of the Nizam. The question was, what course it now behoved the English government to pursue.

By the treaty of alliance, the Nizam, it might be urged, was entitled to the assistance of the English against Tippoo; and so little were they released from their engagements, by the infidelity of the Mahrattas, that they were rather bound to compel them to fulfil the conditions of a treaty, of which the parties were implied guarantees. Besides, the Nizam had declared, that his accession to the alliance against Tippoo was founded, not upon any confidence which he could place in Mahratta, but on that alone which he reposed in English faith: receiving him into the alliance upon this declaration was a virtual pledge, that the protection to which he looked from the English, was not to depend upon that security which he expressly rejected: to make it depend upon that security was, therefore, a breach of engagement. At the time when the Nizam, confiding in the security of English protection, took part with the English, the value attached to his alliance was such, that it would have been purchased with eagerness at the expense of an engagement offensive and defensive with himself. Would the Nizam, being attacked by Tippoo, have been entitled to assistance from the English, if defended by the Mahrattas? And was his title less, when about to be attacked by Tippoo, with the Mahrattas conjoined? Such a disappointment in hopes, on which he

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had staked the very existence of his throne, could not do less than ensure to the English the enmity of the Nizam. Nor could the English abandon him, without the appearance at once of weakness and infidelity; without descending from that high station in which they now over-awed the princes of India, as well by the terror of their arms, as the purity of their faith.

Considerations presented themselves of an opposite tendency. If the co-operation of all the parties in a treaty were necessary to the attainment of its end, and the defection of any one of them rendered the attainment of the end no longer possible, the defection of one dissolved, of course, the obligation of all. Again, the treaty of alliance between the English, the Nizam, and the Mahrattas, bound the parties not to assist the enemies of one another. In the case, therefore, of a war between any two of the parties, the third could not interfere. In such a case, the neutrality of the third party was that which the terms of the treaty expressly required. If the friendship of the Nizam would be lost, if the opinion which prevailed of English power, and of the tenacity of English engagements, should endure a slight and temporary diminution, war was beyond comparison a greater evil. It was impossible for any body to suppose that a war against Tippoo and the Mahrattas would be easily sustained. And as the revenue of the Company was confessedly unequal to the expenditure of war, a protracted contest was to be regarded as pregnant with ruin. Even the destruction of the Nizam could not be considered as adding to the dangers of the English; since, after subverting that power, the Mahrattas and Tippoo were much more likely to make war upon one another, than to combine their arms for an attack upon the British state. Finally, by the act of parliament the Company's servants were clearly prohibited from interfering in the quarrels of the native princes, and from taking up arms against them, unless to oppose an actual invasion of the British provinces.

By these considerations, the mind of the Governor-General was determined; and he purposed to leave the Nizam to his fate. That such a determination was contrary to the expectations upon which the Nizam was induced to enter into the alliance, expectations which for

that purpose he was encouraged to entertain, there seems no reason to doubt. The difficulties of the Governor-General, and the disappointment of the Nizam, were created by the looseness of the treaty. Two obvious cases, the authors of that treaty had not been able to foresee; First, if one of the three contracting parties were attacked by Tippoo, and one of the two who in that case were bound to assist should decline; Secondly, if one of the three were attacked, and one of the two, who ought to assist, instead of assisting, should join the aggressor. There was nothing in the treaty which determined what was to be done by the third party in either of those cases.

If Tippoo had attacked the English, and the Mahrattas had either not assisted, or joined in the attack, it may be strongly suspected that the English, in that case, would not have held the Nizam released from his engagement.

The opinion has also been urged, and it is not without probability, that, by declaring themselves bound to protect the Nizam, the English would not have involved themselves in the calamities of war, but would have prevented hostilities by the terror of their interference.[1]

When once the English have thoroughly imbibed the dread of an enemy, Tippoo, or any other; that dread, after the cause of it is weakened, or, peradventure, wholly removed, continues for a long time to warp their policy. In the opinion of the Governor-General, great danger still impended over the Company by the existence of Tippoo. The Nizam he regarded as too weak; the Mahrattas alone as sufficiently powerful to yield a counterpoise to that detested sovereign: his policy, therefore, was to retain, at some cost, the friendship of the Mahrattas; and for this purpose not to grudge the sacrifice of the Nizam.

He was relieved from a portion of his difficulties by the assurance that, if Tippoo had entertained the project of an attack upon the Nizam, it was now laid aside. In the dispute between the Nizam and Mahrattas, the treaty, he thought, created, certainly, no obligation to interfere.

In the opinion of Sir John Malcolm, an obligation existed, which cannot fail to be considered as a little extraordinary. He *seems* to say, for it is seldom that a rhetorical

[1] This opinion is given with confidence by Sir John Malcolm.

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writer is entirely free from ambiguity, that the native powers, by joining the English in any war in which they were engaged, established a right, which nothing but their own misconduct could ever forfeit, to their friendship, and to protection against any power to whom by that conduct they might have given offence.[1] He adduces Lord Cornwallis as a party to this speculation; who, "in his letter, under date the 28th of February, 1790, to the Resident at Poonah, declared, that the Mahratta state, by acting against Tippoo in concert with the British government, became entitled, in reason and equity, to a defensive alliance against that prince, even though no previous engagement existed." If this proposition means anything real, and if assistance in war creates an obligation to assistance in return, except an obligation of which the party obliged is alone to judge; in other words, an obligation binding him only when agreeable, that is, no obligation at all: the receipt of assistance in war is a snare, which carries ruin in its consequences, and ought for ever to be shunned.[2] One

[1] Sketch, &c., p. 167.

[2] This is a conclusion not necessarily resulting from the premises. Undoubtedly assistance in war against a common enemy constitutes in equity and reason a claim to assistance on a like occasion. It is possible that there may be counteracting claims by which the obligation may be overruled, but the impossibility of fulfilling an obligation is no argument against its reasonableness or justice. In the view here taken of this transaction, the most material points are omitted. The grounds which the Nizam had to look to the British Government for protection, and the policy of affording it to him. The letter of the treaty was not violated by withholding aid from the Nizam against the Mahrattas singly and conjointly with Tippoo, but unquestionably the spirit was departed from. It was formed to maintain the integrity of the Hyderabad state against the aggression of a more powerful neighbour, and it mattered not whence the danger came; the Nizam equally required protection and had been led to expect it. The Mahrattas neither needed nor asked for protection. After the war was over the same expectation was kept alive by the negociations set on foot by Lord Cornwallis for a continuation of a guarantee treaty with the Nizam and the Mahrattas. The Nizam had also some reason to expect favour from the English, as a return for his cession of Guntoor and adjustment of the arrears of Peshcush. It was also politic to provide for his protection. There was nothing to fear from him, whilst his position and resources were calculated to be of eminent advantage to the English in any future collision with Tippoo and the Mahrattas, of whose hostile feelings and more formidable power there could be no uncertainty. On the other hand, there seem to have been difficulties in the way of affording him protection, which are not noticed in the text, and which were not alluded to by the Governor-General. Captain Duff observes, that whatever might have been the apparent advantage of the Governor-General's interference, if it had enabled Nizam Ally to effect his evasive purpose, it must have been recorded as an injustice to the Mahrattas." Mahr. Hist. iii. 109. The demands of the Mahrattas for the Chout, during a series of years, were not altogether unfounded. It appears also, that they were not only met with evasion but with insult and defiance; and that the court of Hyderabad provoked the contest. In such a state of things the interference of the British authority must have been confined to mediation, and would probably have been of little effect. It does not seem however to have been very

little consequence, in the present instance, it would appear that Sir John Malcolm overlooked. The Nizam and Mahrattas were about to go to war. The English had received assistance from both of them: the English were therefore bound to lend assistance to both of them:—that is, to send one body of English troops to fight against another.

Before hostilities commenced between the Subahdar and the Mahrattas, Mahdajee Sindiah died. The power of this chief, and his ascendancy in the Mahratta confederacy, had lately been so great, that his death was expected to produce considerable changes; and the Resident at Poonah thought it probable that the opportunity might be so improved, as to effect an adjustment between the Nizam and Mahrattas. The Governor-General, however, would not risk offence to the Poonah government, by any sort of interference more forcible than words; and the successor of Mahdajee Sindiah, his nephew Doulut Rao, soon assembled his army from the remotest parts of his dominions, and obtained an ascendancy at once in the Poonah councils, and in the confederacy which was forming against the dominions of the Nizam.

The Nizam was the party in danger, but the first in the field. He advanced to Beder, if not with a view to actual aggression, at least with a view to interfere in the internal affairs of the Mahratta government, a considerable time before the movement of the Mahratta armies. Early in March, 1795, the advanced corps of the Mahratta army, under the command of Doulut Rao Sindiah, approached; and the Nizam advanced from Beder to meet him. A general action took place. Both armies were thrown into some confusion, and neither obtained any considerable advantage. But the women of the Nizam were frightened; and under their influence he retreated from the scene of action during the night. He sought protection in the small fort of Kurdla, where the Mahrattas had the advantage of terminating the war without another blow. The fort is completely surrounded by hills, except at one particular spot. The Mahrattas took possession of this out-

strenuously attempted, and the selfish motives which alone were urged for the desertion of the Nizam, were not creditable to the character of the government for generosity or justice.—W.

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let, by which they completely shut up the Nizam, and cut him off from supplies. After remaining some weeks in this miserable situation, he found himself at the mercy of his enemy, and concluded a peace on such terms as they were pleased to dictate. The particulars of the treaty were not fully made known; but, beside establishing all their former claims, the Mahrattas compelled him to cede to them a country of thirty-five lacs' revenue, including the celebrated fort of Doulutabad; to pay three crores of rupees, one-third immediately, the rest by instalments of twenty lacs per annum; and to give up, as a hostage for the performance of these conditions, his minister Azeem ul Omrah, whose abilities had for some time been the great support of his throne; who was the zealous friend of the English connexion; and a firm opponent of the Mahrattas.[1]

No part of the conduct of the English had more offended the Nizam, than the refusal to permit his two battalions of British troops to accompany him to the war. As the Mahrattas were the great source from which he apprehended danger, an expensive force, which could not be employed against the Mahrattas, was a loss, rather than advantage. He, therefore, shortly after his return to Hyderabad, intimated his desire to dispense with the service of the English battalions; and they marched to the territories of the Company.

The Subahdar of the Deccan had never, from the time of Bussy, been without French officers in his service. In the confederate war against Tippoo, he had two battalions of regular infantry, officered by Frenchmen, and commanded by a gentleman of the name of Raymond, who began his military career in India, at an early age, in the disastrous campaigns of Lally. At first his establishment amounted to no more than three hundred men; and he hired their arms from a merchant of his own country, at the rate of eight annas[2] a month. By his services and address, he rapidly increased the favour and liberalities of

[1] The dispersion of the Nizam's army was the result of a panic which occurred in the course of the night, and it was then that Nizam Ali took refuge within the fort of Kurdla. In this he was shut up, not some weeks, but two days, when he was compelled to submit to the conditions specified in the text. Mahr. Hist. 3, 113.—W.

[2] *Is. 3d.*

the Subahdar; of which he availed himself for the augmentation and equipment of his corps. It had received great accessions both to its numbers and appointments, since the peace of Seringapatam; and the English Resident reported, probably with great exaggeration, that twenty-three battalions of this description, with twelve field-pieces, accompanied the Nizam in his campaign against the Mahrattas.

After the return of that Prince to his capital, he ordered new levies of this corps; and assigned a portion of territory for its regular payment. The expostulations of the British Resident, and his intimations that so much encouragement of the French portended serious changes in his relations with the English, were but little regarded.

A part of this corps was sent to occupy the districts of Kurpah, and Cummum. These districts lay upon the frontier of the Company's possessions; and the Governor-General took the alarm. "The measure itself," he remarked,[1] "had a suspicious not to say criminal appearance;" and he directed "the strongest representations to be made, to induce the Nizam to recall the detachment of Monsieur Raymond." In case of refusal, the resident was even instructed to threaten him with the march of a body of English troops to his frontier. The apprehensions of the English government were increased by some French officers, prisoners at Madras, who were detected in a project of escape, and suspected of a design to join M. Raymond.

Whether the Nizam could have been led on to risk the displeasure of the English, or whether the knowledge of his defenceless condition would soon have brought him back to court their support, sufficient time was not afforded to try. On the 28th of June, his eldest son Ali Jah fled from the capital, and placed himself in open rebellion; when his fears were so vehemently excited, that he applied himself with the utmost eagerness to recover the friendship of the English. He agreed to the recall of Raymond's corps from the district of Kurpah; and warmly solicited the return of the subsidiary force. The battalions were ordered to join him with the greatest possible expedition;

[1] In his Minute, 15th June, 1795.

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but before they were able to arrive, an action had taken place, in which Ali Jah was made prisoner. He did not long survive his captivity.[1] The Nizam, however, enjoyed but a few months' tranquillity, when another member of his family revolted, at the head of a large body of troops. In quelling this rebellion, and recovering the fort of Rachore, which the insurgents had occupied, the English battalions had an opportunity of rendering conspicuous service.

The Nizam, though brought again to a sufficient sense of his dependance upon the English, could not help reflecting that from them he had nothing to expect in seeking the means of his defence against that insatiate neighbour, whom nothing less than his ruin would content; nor could he forbear turning with particular favour to that body of his troops, on whom, in contending with the Mahrattas, his principal dependance must rest. The value of M. Raymond's corps had risen in his estimation by the activity which it had displayed in the reduction of Ali Jah. Its numbers and appointments were increased; additional lands for its support were assigned to its commander; and arsenals and foundries were established for its equipment. The abilities of M. Raymond qualified him to improve the favourable sentiments of his prince; the discipline and equipment of his corps were carried to the highest perfection, of which his circumstances would admit; and his connexions with the principal officers of the government were industriously cultivated and enlarged. He was not anxious to avoid those little displays, by which the fears and hatred of the English were most likely to be inflamed. The colours of the French republic were borne by his battalions; and the cap of liberty was engraved on their buttons. While a detachment of this corps was stationed on the frontier of the Company's territories, a partial mutiny was raised in a battalion of Madras sepoys. It was ascribed, of course, to the intrigues of the abominable French officers. Whether this was, or was not the fact; two native commissioned officers, with a number of men, went over to the French.

[1] According to Capt. Grant, Ali Jah, unable to face his father, put an end to his existence by poison before he reached the capital. Mahr. Hist. 3, 119.—W.

It was by no means without jealousy and apprehension, that the English government beheld the progress of a French interest in the councils of the Nizam. That Prince declared his readiness to dismiss the rival corps, provided the English subsidiary force was so increased, and its service so regulated, as to render it available for his defence. This, however, the desire of standing fair with the Mahrattas dissuaded, and a succedaneum was devised. It was thought expedient to encourage the entrance of English adventurers into the service of the Nizam, who might form a rival corps to counterbalance the French. But the English were less qualified than the French for this species of adventure; there was no man to be found whose abilities and address could balance those of M. Raymond; and this project totally failed.

An event, in the meantime, occurred, which materially affected the politics of this part of India. On the 27th of October, 1795, happened the death of the young Peshwa, Madhoo Row;[1] and introduced the most serious divisions among the Mahratta chiefs. Nâdah Furnavese desired to place upon the vacant throne an infant whom he could use as a tool. Bajee Rao, undoubted heir, the son of Ragoba, was supported by the influence of Sindiah. In these circumstances, Nanah Furnavese was anxious to strengthen himself by the alliance of the Nizam. He released Azeem ul Omrah, opened a negotiation with that minister on behalf of his master; and concluded a treaty, by which all the cessions extorted at Kurdla were resigned In the meantime, Sindiah hastened to Poonah, with an army which his rival was unable to oppose; and Bajee Row was placed upon the musnud of Poonah. The treaty with the minister of the Nizam was, of course, annulled; but a new one was concluded, by which the Nizam was required to make good only one-fourth of the cessions and payments which had been fixed by the convention of Kurdla.[2]

[1] Madhoo Row, the Peishwa, although in his twenty-first year, was kept by Nana Furnavese, in a state of rigid control which preyed upon his spirits, so that a fixed melancholy seized on his mind, and on the morning of the 20th October, 1795, he deliberately threw himself from a terrace in the palace, by which he was so much hurt that he died of the injuries he received, two days afterwards. Mahr. Hist. 3, 126.—W.

[2] These transactions are very differently related by Capt. Grant. The minister of the Nizam was released, not by Nana Furnavese, but by Parashram

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The intercourse with Tippoo, during the administration of Sir John Shore, was bounded by the execution of the treaty of Seringapatam. When the sons of Tippoo were restored,[1] the officer who conducted them was empowered to make overtures towards a more amicable connection, provided a favourable disposition appeared on the part of the Sultan. But the pride of that Prince was too much wounded to consort with friendship; and on this occasion, the tyrant, as the English called him, disdained to practise hypocrisy. He received the officer with frigid civility.

Though Lord Cornwallis, upon taking the reins of the Company's government, had agreed with the Nabob of Oude, that the government of his country should be divided into two parts, of which the one, namely the business of defence, and all transactions with foreign states, should belong to the Company, and the other, namely, the internal administration, including the collection of the revenue, the coercion of the people, and the distribution of justice, should, without interference or control, belong to himself; the English rulers had, nevertheless, observed the extraordinary vices of his government with great solicitude, as leading necessarily to that desolation of the country, with which the payment of the Company's subsidy would soon be incompatible. On the visit of Lord Cornwallis to Lucknow, in the first year of his administration, "I cannot," he said, "express how much I was concerned, during my short residence at the capital of the Vizir, and my progress through his dominions, to be witness of the disordered state of his finances and government, and of the desolated

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Bhao the minister of Poonah, with Sindiah's concurrence, the payment of whose troops by a sum of money to be paid by the Nizam, was the main inducement to the liberation of his minister. In the subsequent intrigues by which Bajee Rao was made Peishwa, in opposition to Parashram Bhao, the Nizam took part with Nanah Furnavese, in consequence of which the treaty of Mhar was formed. By this the Nizam engaged to aid Nana Furnavese with a considerable force, and in return, the Mahratta relinquished the territory ceded by the treaty of Kurdla, the bills which had been granted for the money payments then extorted, and acknowledged the claims of the Nizam to certain districts near Delhi. All contested points were mutually abandoned, and the Mahratta claims were to be settled, in future, annually. The Chouth of the Subah of Beder being considered the private property of the Peishwa, Nana confined himself to a promise of recommending that it should be given up when Bajee Rao was restored to his authority. Mahr. Hist. 3, 142. Note.—W.

[1] 29th March, 1794.

appearance of the country."[1] The Directors, with an extraordinary candour, declared, that the vices of the native government were not the only cause of this desolation; that for a great part of it the vices of their own administration were justly accountable. "Under a system," they say, "defective in almost every part of it, and the abuses which arose out of that system, the present unfortunate state of the country may, in our opinion, be fairly attributed to a combination of causes. Among these is a claim which is now very wisely relinquished, of right of pre-emptions, and of exemptions from duties, in the province of Oude; made, and exercised, by contractors employed in providing the investment; and which in the opinion of Lord Cornwallis, has essentially contributed to its ruin. The immense drain of specie from that country of late years, amounting, from September, 1783, to February, 1794, to the enormous sum of two crores and thirty-nine lacs of rupees, exclusive of what may have been sent down to Calcutta to answer the bills drawn for the payment of the troops, and on private account, stands foremost in our opinion, among the causes that have operated so much to its prejudice."[2] Though the Directors saw but imperfectly the mode in which connexion with their government had been ruinous to Oude, they had the merit of tracing in a general way, the relation between cause and effect.[3]

In the year 1792, died Hyder Beg Khan, the minister. As the Nabob was a cipher in the hands of his minister, and the minister was a mere instrument in the hands of the Company, this was an event which deeply interested the Company's government. The Nabob appointed a person of the name of Hossein Reza Khan, who had enjoyed the principal share of his confidence even in the time of the deceased minister, to execute provisionally the duties of the vacant office. As this person, however, was

[1] Letter from Lord Cornwallis, dated, "On the Ganges, 16th Nov. 1787;" Papers relating to India, printed by the House of Commons in 1806, No 2. p. 4. In the same letter his Lordship says, the Nabob, "urged, as apologies—that whilst he was not certain of the extent of our demands upon him, he had no real interest in being economical in his expences; and that while we interfered in the internal management of his affairs, his own authority, and that of his ministers, were despised by his own subjects."

[2] Political Letter to the Gov.-Gen. 8th April, 1789; printed papers, ut supra, p. 5.

[3] The mystery is explained in a subsequent page.

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but little acquainted with the business of revenue, Raja Tickait Roy, to whom that business was confided under Hyder Beg, was placed at the head of the financial department. The final election remained till the pleasure of the Governor-General should be known; who satisfied of the inclination of both the men to rely upon the English government, and not acquainted with any persons who were better qualified, signified his approbation of the choice of the Nabob; and, on condition of their good behaviour, gave to the new ministers assurance of his support. The influence of the new ministers was still less able than that of their predecessors to limit either the expenses of the Vizir, or the ruinous exactions upon the people which those expenses, the English subsidy, and the extortions of the tax-gatherers imposed. In the month of January, 1793, Lord Cornwallis thought it necessary to write to the Vizir a solemn letter of expostulation and advice. "On my return," said he, "from the war in the Deccan, I had the mortification to find that, after a period of five years, the evils which prevailed at the beginning of that time had increased; that your finances had fallen into a worse state by an enormous accumulated debt; that the same oppressions continue to be exercised by rapacious and overgrown aumils towards the ryots; and that not only the subjects and merchants of your own dominions, but those residing under the Company's protection suffered many exactions contrary to the commercial treaty from the custom-house officers from Zemindars, Aumils, and others."

The Governor-General then proceeded to pen advices, which, though they were lost upon a sensual and profligate prince, will not be lost upon the people of England. "As in a state," said he, "the evils that are practised, by the lower class of men, are to be attributed to the example held out to them by their superiors, and to their connivance, or to their weak government; so am I obliged to represent, that all the oppressions and extortions committed by the Aumils on the peasantry, take their source in the connivance and irregularities of the administration of Lucknow."

His meaning, as he himself explains it, is, That an expensive government is, by the very nature of things, an

unjust and oppressive government; and that expense, when it proceeds to a certain pitch, is the cause, not of misery alone, but of ruin and desolation. "Though the Company's subsidy," said he, "is at present paid up with regularity, yet I cannot risk my reputation, nor neglect my duty, by remaining a silent spectator of evils which will, in the end, and perhaps that end is not very remote, render abortive even your Excellency's earnest desire that the subsidy should be punctually paid. Thus, I recommend economy in your own household disbursements, as the first measure, whence all other corrections are to take place.—I do not neglect the dignity of your station: nor am I actuated by views for the Company's subsidy only. Your dignity does not flow from a splendid retinue; and unnecessary establishment of household servants, elephants, sumptuous ceremonies, and other circumstances of similar nature: But from a just and wise administration of your government and finances."[1]

Just before the departure of Lord Cornwallis the new ministers repaired to Calcutta; in order more fully to explain the deplorable state in which the government and population of the country were placed, and to pray for counsel and support in conducting the affairs of a prodigal government and an impoverished people. The Governor-General, before leaving India, addressed to the Vizir another letter, of great length, from Madras. In this he repeats, that the effects of an expensive government are two, First, the oppression and misery of the people; and secondly, the fall of the government itself. "It is well known," says he; "not only throughout Hindustan, but to all Europe, that the revenues of your Excellency's dominions are diminished beyond all conjecture.—Does not this consideration alarm your Excellency?—Can any thing but ruin result from such circumstances? Are not these facts a decisive proof of tyranny, extortion, and mismanagement, in the Aumils? And, what must be the situation of the ryots who are placed under such people?—But your Excellency knows, that the prayers of the oppressed are attended to by the Almighty; and often call down his vengeance upon their oppressors.—History

[1] Letter from Lord Cornwallis to the Vizir, dated 29th Jan. 1793; printed papers ut supra, p. 11—13.

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confirms the observation, by exhibiting innumerable examples of monarchies overturned, and families effaced from the earth, by a violation of justice in the sovereign, or neglect in him to enforce its laws."

He continues; "The evils flowing from this source would have been less felt, if, in proportion as the revenues declined, a diminution of expenses had taken place. But profusion, in fact, was the cause of the first evil; and the continuance of it increased its magnitude."

He adds, "All the world concurs in encomiums upon the dignity and splendour which adorned the court of your illustrious father; but his splendour did not arise from the gaudiness of equipage, from frivolous dissipation, or from profuse expenditure. He well knew, that the best ornament of sovereignty is justice: that due economy is the source of order and dignity: that the true splendour of a court is derived from equity and wisdom."

"If," says he, "the information which I have received of the state of the country be true, the disorders exceed all bounds, and all description. The consequence is, that the revenues are collected, without system, by force of arms; that the Aumils (revenue agents) are left to plunder uncontrouled; and the ryots have no security from oppression, nor means of redress for injustice exercised upon them."[1]

In May, 1794, Sir John Shore, in his letter to the Resident at Lucknow, said; "It has long been my anxious wish, no less than that of my predecessor, the Marquis Cornwallis, to prevail upon the Nabob Vizir to arrange the internal administration of his country, and establish it upon principles calculated to promote the happiness of his subjects and the permanency of his own authority. I cannot, therefore, observe, without regret, that his excellency does not appear to have adopted any measures for this purpose, in consequence of the letter addressed to him by Marquis Cornwallis from Madras, and which I delivered to his ministers in Calcutta, with the most serious recommendation to them to use their utmost exertions in giving effect to the advice and recommendations of his Lordship."[2]

Fyzoollah Khan, the Rohilla chief, to whom the district

[1] Printed papers, ut supra, p. 16, 17, 19. [2] Ibid. p. 14.

of Rampore had been preserved, at the time when the rest of his nation were exterminated from the country to which they had given their name, died, at an advanced age, in 1794, leaving the country over which he had ruled, in a high state of cultivation and prosperity. The succession went to Mohammed Ali, his eldest son, who was duly confirmed by the Vizir, and acknowledged by the principal Rohilla chiefs. His younger brother Gholaum Mohammed, an ambitious man, contrived in a little time to get him into his power; when he put him to death; and sent a large present to the Vizir, with a promise of augmented tribute, if he were confirmed in the government of Rampore. Though the murdered prince left a son, in a state of nonage, the Vizir was by no means disinclined to the proposition of Gholaum Mohammed.[1] It was, however, a proceeding of too much importance to be concluded without the permission of the British government; and that was refused. The British troops, under Sir Robert Abercromby, joined by such forces as the Vizir could afford, were ordered to march against the usurper, and treat him as a rebel. It was the purpose of the Governor-General, to wrest the country entirely from the family of Fyzoollah Khan, notwithstanding the rights of the son of Mohammed Ali, guaranteed by the British government;[2] and notwithstanding the rights of the people of the Country happy under the frugal government of the Rohilla chief, menaced with misery and ruin under the exactions of the Vizir, to which, with a full knowledge of the circumstances, the British ruler was about to condemn them. The rapidity of Sir Robert Abercromby anticipated the arrival of the instructions which were forwarded to this effect. A battle was fought at Bitowrah, in which, after making a partial impression upon the British line, the Rohillas were defeated. Negotiation followed, and an

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[1] It may be doubted if there is sufficient authority for this insinuation. According to Mustajab Khan, Mohammed Ali was not put to death until after the Vizir's interference in his favour. "A letter having been received from the Nawab Vizir, requiring Gholam Mohammed to send his brother to Lucknow without delay, and threatening vengeance if the order were not obeyed, the conspirators decided on putting Mohammed Ali to death, and accordingly Ahmed Khan shot him while he slept." It was then asserted that he had destroyed himself, but the story was not credited, and Asoph ud Dowlah, with his forces, attended by Mr. Cherry, immediately marched from Lucknow. Life of Hafez Rehmet Khan, 134.—W.

[2] Sir John Malcolm, Sketch of the Political History of India, p. 195.

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arrangement was made. The treasures of the late prince, Fyzoollah Khan, were given up to the Vizir. And a jaghire of ten lacs of revenue, under the express guarantee of the English government, was granted to Ahmed Ali, the son of Mohammed Ali.[1]

The retrograde movement was uninterrupted in the Nabob's affairs. "The exigences of his government," as we are informed by the Directors, "were supplied by loans, on terms increasing in proportion to the sums demanded, and the discharge of one debt was effected, not from the revenue, but by contracting another of an increasing interest." The ministers Hussein Reza Khan, and Raja Tickait Roy, had become odious to him, by opposing obstructions to his will: and he accused them of the embarrassments which had grown upon him during their administration. His desire was to make Raja Jeeo Loll his minister; who had been one of his intimates for several years, and professed absolute subserviency. The aversion of the English government to this minion was not unknown. The Nabob therefore was advised to assume the appearance of acting as his own minister; while the business and power, in reality, passed into the hands of Jeeo Loll.

The English troops, employed in the country of the Vizir, were always on the increase. Instead of the single brigade, which Hastings had pronounced sufficient, even the two brigades, for which Lord Cornwallis had made provision, in the subsidy of fifty lacs, were now exceeded. In their dispatch of the 22nd of April, 1796, the Directors commanded the two regiments of native cavalry, serving under the Presidency of Bengal, to be augmented to four; and, "in order to relieve the Company from a considerable part of the expense, they directed that every possible effort should be made to induce the Vizir to disband his own useless cavalry, and to apply a part of the sums expended in their support to defraying a part of the charges which the Company incurred by the proposed augmentation."[2] With this proposition, the Vizir, at first, would by no means comply. And in March, 1797,

[1] Collection of Treaties and Engagements with the Native Princes and States of Asia, &c. printed for the East India Company in 1812, p. 150—161.
[2] Printed Papers, ut supra, p. 28.

the Governor-General paid a visit to Lucknow, for the "two avowed objects," as he himself expressed it, "of inducing the Vizir to establish a reform in his administration, and to pay part of the new cavalry establishment, which he had already peremptorily refused. The influence of the British ruler was not entirely without success; an agreement was obtained from the wretched Vizir to add to his former subsidy the expense of one European and one native regiment of English cavalry, provided the annual amount should not exceed five and a half lacs of rupees; and Tuffuzel Hussein Khan, a man in whose probity and talents the Governor-General placed great reliance, was appointed minister.[1]

Only a few months elapsed, when, after a short illness, the Vizir expired. The eldest of his brothers was Saadut Ali, who, in fear of intrigues, had been compelled to reside on a pension at Benares. To the succession of Mirza Ali, the eldest son of Asoph ud Dowla, Saadut Ali offered objections, asserting that neither he, nor any other of the reputed children of the late Vizir, was really his offspring; and he urged his own pretensions to the vacant throne. The arbiter in this great dispute was the Governor-General. The acknowledgement of the late Vizir who had treated Mirza Ali as his son and successor; the undoubted principle of the Moslem law, which renders that acknowledgment a valid title; the acquiescence of the Begums, the wife and mother of Asoph ud Dowla; the concurrence of the capital; and the danger of admitting reports on the filiation of princes to decide the question of their succession, swayed the mind of the Governor-General; and Mirza Ali, commonly known by the name of Vizir Ali, was placed on the musnud, and recognized by the English government as Nabob of Oude.

The young sovereign had not long enjoyed his power and dignity, when complaints were received by the Governor-General, both respecting his title, and respecting his conduct. The situation of affairs appeared to require the presence of the English ruler; and he began his journey to Lucknow. Upon his arrival, he found a scene of intrigue of extraordinary activity, and extraordinary complication. The elder Begum, having interfered with the

[1] Printed Papers, ut supra, p. 28.

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conduct of the Nabob, had been urged to return to Fyzabad; and animosity succeeded to friendship. Almas Ali Khan, who had been an object of distrust to the British government for many years, and forced to keep aloof from public affairs, had so successfully employed his leisure, in carrying on the business of renter, that a great proportion of the country was now placed in his hands: and he was the most powerful individual in the state. Upon her quarrel with the Nabob, the Begum had resigned herself to the councils of this man; who advised an apparent reconciliation with the Nabob. "On my arrival at Lucknow," says the Governor-General, "the confederacy between the Nabob and Begum appeared indissoluble, and it was the opinion of the minister that they could not be disunited. The principal adviser of the Begum was Almas, either directly, or through (her principal eunuch) Jewahur Ali Khan. And Hossein Reza Khan, and Tickait Roy, ranged under their banners. With the Nabob, his father-in-law, Sherf Ali Khan, was supposed to have the most influence. The object of all parties was to oppose the English influence."

Presently the views of the actors began to disclose themselves. And a malady which attacked the Nabob, the measles, or small-pox, shortly after the arrival of the Governor-General, afforded a favourable opportunity for intrigue.—"I confess," says the Governor-General, "without reserve, that I never was involved in a scene of more perplexity and profligacy."

"On the 29th of December," (I still use the language of the Governor-General's report,) "Almas, who had most sedulously studied appearances, waited on the minister, and entered into conferences with him which lasted several days. He began with strong complaints of the conduct of Vizir Ali, whom he designated by a most opprobrious term. He spoke of him as spurious and profligate; as a man who would ruin the country by his vices and profusion. He mentioned the earnest wish of the Begum and himself, that he should be deposed, and some one of the sons of Suja ud Dowla, be placed on the musnud, excluding all the sons of Asoph ud Dowla, as spurious." The same representations were successively repeated to the Governor-General, and to the Governor-General in com-

pany with the Commander-in-Chief. Mirza Jungly, a brother of the late Nabob, younger than Saadut Ali, was the person whom the Begum and Almas combined in recommending. And "a large pecuniary sacrifice," says the Governor-General, "was promised, as a compensation for my acquiescence."—"Almas," he continues, "acts in the name of the Begum; and while he pretends to disavow, on her part, all wish to interfere in the administration, his propositions to me were directly calculated to place it in her power."

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Great industry and skill had been employed in prepossessing the mind of the Governor-General with the most unfavourable opinion of the young Nabob, as a man between whose character and the interests of the English an irreconcileable contrariety was placed. He was represented as extremely profuse in his expenditure, and therefore, likely to absorb the funds from which annual payments to the English might proceed; as of a violent, ungovernable will, and therefore unlikely to be obedient to the English; and finally, as altogether averse to the English, and likely to use his utmost endeavours to free himself from their yoke.

The belief of these representations, communicated to the Governor-General, appears to have decided the question. It prepared his mind for annexing weight to any evidence which might be preferred of the spuriousness of the man whom he wished not to reign. It was no objection to the legitimacy of the Nabob, that he was not the son of the Begum, who had no child; that he was the son of a female, menially employed in the zenana. He was acknowledged by Asoph ud Dowla as his son, and, according to the laws of the Moslems, that was enough. Tehseen Ali Khan, however, a confidential eunuch of the late Vizir, told the following story: that the mother of Vizir Ali had a husband of her own rank; was never confined to the zenana, but quitted it daily, as is customary with menials of the same description, and went to her husband's house; that Vizir Ali was not the son of the Nabob, but purchased of his mother for 500 rupees after his birth; that it was customary for the Nabob, having no progeny, to purchase women who were pregnant, and bring up their children as his own; and that this was the origin of

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1797. In this statement, the only point of real importance was, whether Asoph ud Dowla was, or thought that he was, the father of the child produced by the mother of Vizir Ali. Tehseen Ali Khan said, that he was not, and did not know of her pregnancy till after the birth of the child. And upon this story, told privately to the Governor-General by Tehseen, who complained of having been treated with injustice by the Nabob, and who might have been suborned by his enemies; told without confrontation with the public, without confrontation with the Nabob, without cross examination, without counter evidence, without hearing anything the party affected might have to adduce in his behalf, without pushing the inquiry by examination of other persons to whom the secrets of the zenana might be known, and corroborated only by what he was told was the public opinion, did the Governor-General declare, that a man whom he had acknowledged as Nabob of Oude, and who succeeded to the throne with the apparent concurrence of all ranks, except the single voice of Saadut Ali, was not the son of the late Vizir, and ought to be displaced from the throne.

It is impossible to read the account[1] of this transaction, drawn up by the Governor-General, and not to be impressed with a conviction of his sincerity, and his desire to do justice. But it is easy also to perceive how much his understanding was bewildered; and impossible not to confess that he decided against the unfortunate Nabob the great question of a kingdom, upon evidence upon which a court of English law would not have decided against him a question of a few pounds."[2]

[1] Minute of Sir John Shore, detailing the measures which led to the deposition of Vizir Ali, &c., printed papers, ut supra, No. 1. p. 1.

[2] The tale of Tehseen, said the Governor-General, concorded with public opinion. But what knew the Governor-General about the public opinion of Oude, except what he was told? And what was he told, except by a few individuals who surrounded him; and who concurred, for their own purposes, in wishing Vizir Ali to be deposed? The utmost that can be said for the tale of Tehseen is, that it is not in itself incredible, or, perhaps, improbable. But that was not the question. The only question was, whether there was or was not evidence to establish the allegations. Undoubtedly his private conversation with the Governor-General, aided by what a few individuals *told* the Governor-General about public opinion — was not evidence sufficient to vest allegations with the character of facts.—M.

The corroborative evidence was not what the Governor-General was told by

When the resolution of deposing Vizir Ali was taken, the choice of a successor was easily made. Saadut Ali was the eldest surviving son of Suja-ad-dowla; and would not, as Mirza Jungly, become a tool in the hands of the Begum and Almas. When the treaty proposed by the Governor-General was communicated to Saadut Ali, it was not the time to dispute about terms. He gave his consent to every particular. He then proceeded to Cawnpore; from which he was escorted by a large body of European troops to Lucknow. The military force of the country was almost wholly English. The Nabob was, therefore, completely helpless; and Saadut Ali was proclaimed, without opposition, on the 21st of January, 1798.

The terms, to which he had at first assented, were somewhat modified after he came to the throne. It was finally established, that the annual subsidy should be raised to seventy-six lacs of rupees, and that the fort of Allahabad should be made over to the English. It was also arranged that the regular amount of the English forces stationed in Oude should be 10,000 men, including all descriptions; that, if at any time the amount should exceed 13,000 men, the expense of all the troops above that number should be defrayed by the Nabob; if it should fall below 8000 a proportional reduction should be made. The Nabob further agreed, to pay twelve lacs of rupees to the English, as compensation money, for the expense of placing him on the musnud; and not, without their consent, to hold communication with any foreign state, to employ no Europeans in his service, or to permit any to settle in his dominions. Finally he agreed to allow a lac and a half of rupees as an annual pension to the deposed Vizir Ali, who was removed to Benares; and to afford a suitable maintenance to the rest of the reputed children of his brother the deceased Nabob."[1]

The transaction had one attractive feature; that of gain

disinterested persons to be the public opinion only, but it was their own belief and conviction. Various individuals were consulted, of whom many were impartial witnesses, and they concurred in the opinion of the public, the accuracy of which is never questioned in India. There is no doubt that Vizir Ali was not the son of Asoph-ad-dowla, and his maintenance on the throne would have been the perpetuation of an act of great injustice to Sadat Ali. See Minute of Governor General, printed in the 1st Vol. of the Asiatic Register.—W.

[1] Printed Papers, ut supra, p. 19—22.—Collection of Treaties, ut supra, p. 177.

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to the Company: and it received the most cordial approbation of the powers, ministerial and directorial, at home. The political letter to Bengal, dated 15th May, 1799, after a full commentary upon the proceedings, thus declares: "Having taken this general view of the subject, with a minute attention, however, to all the papers and proceedings, we are, upon the whole, decidedly of opinion, that the late Governor-General, Lord Teignmouth, in a most arduous situation, and under circumstances of such delicacy and embarrassment, conducted himself with great temper, impartiality, ability, and firmness; and that he finished a long course of faithful services by planning and carrying into execution an arrangement, which not only redounds highly to his own honour, but which will also operate to the reciprocal advantage of the Company, and the Nabob Vizir."[1]

On the 1st of August, 1792, Sir Charles Oakely succeeded General Medows, as Governor of Fort St. George, and President of the Council at Madras. Sir Charles remained in the government till the 7th of September, 1794, when Lord Hobart was placed at the head of the Carnatic Presidency. On the 13th of October, 1795, died, at the age of seventy-eight, the Nabob Mohammed Ali, Wala Jah; and was succeeded by Omdut ul Omrah, his eldest son. From the date of the treaty, framed by Lord Cornwallis in 1792, the payments of the Nabob, being in the years of peace, had, through the agency of the money-lenders, been regular. But the country, made over to the cruel exactions of this description of men, had rapidly declined. The continued operation of the same causes threatened to extinguish the resources of the government; and, though no attempt had been made to ameliorate the state of affairs during the life of Mohammed Ali, the succession of Omdut ul Omrah appeared to Lord Hobart to present a favourable opportunity for introducing those reforms of which the necessity had become so urgent.

On the 24th of the same month in which the Nabob died, the President deemed it expedient to place on record, by a Minute in Council, a description of the ruinous course into which affairs had proceeded, under the arrangement

[1] Printed Papers, ut supra, p. 31.

of 1792. The source of the evil was laid in "the usurious loans, which," says he, "it has long been the practice, principally among the European gentlemen of the Presidency, to make to the Durbar for mortgages upon the different provinces of the Carnatic." Some of the principal houses of business at Madras, said the Governor, or even some of the Company's servants, enter into an agreement with the Nabob for the payment of the sums which may have become due to the Company's treasury. They receive a mortgage upon a portion of the territory To render this availing, they stipulate for the appointment of the manager of the territory. It is also requisite to establish an understanding with the military commanding officer of the district. And, then, the chain of power is complete. Then, the unhappy ryots are delivered over to the uncontrolled operations of men who have an interest in nothing but exacting the greatest sums in the shortest time, of men, "hardened by practice, and with consciences lulled to rest by the delusive opiate of interest upon interest."[1]

It is not in the way of direct exaction alone, that the mischief was accomplished. "Another endeavour," says the President, "of those engaged in a concern of this nature is to enhance the price of grain by artificial means, lest the ordinary price of that article, the sole subsistence of the natives, should fail to answer the large advance of money, and the exorbitant advantage expected upon it, by the soukars," or subordinate money-lenders, to whose ruinous assistance the ryots were compelled to have recourse. "The means of effecting this purpose," continues the magistrate, "is easy; for the necessitous condition of the ryots compels them to dispose of their grain as soon as it comes into their possession, in order to satisfy the urgent demands upon them which I have already described: the purchasers of this grain monopolize it, until the demand advances the price. If, towards the expiration of the season, any part of the grain should yet remain on hand, the expedient is, to divide the whole quantity, in whatever condition it may be, among the inhabitants: and the people are compelled (in general

[1] Papers relating to the Affairs of the Carnatic, No. 2; printed by order of the House of Commons, in 1803.

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the manufacturers) to take it at a valuation considerably above the market price."

Such was the general course of oppression. The modes were infinite. [1] "The subject," says the indignant Governor, "is exhaustless."

"After this exposition, no comment," he cries, "can be required, to show that this species of government, if it deserves the name of government, contains the most grievous oppression of the people, the certain impoverishment of the country, and, consequently, the inevitable decay of revenue."

A fact is here very forcibly urged upon our attention, of which it is important to find the true explanation. Under their dependence upon the English government, it has been seen, that the people of Oude and the Carnatic, two of the noblest portions of India, were, by misgovernment, plunged into a state of wretchedness, with which no other part of India, hardly any part of the earth, had anything to compare. In what manner did the dependence of the native states upon the English tend to produce those horrid effects? The difficulty of the answer is not very great. The oppressions of the native governments were limited by their weakness. When they received the use of English strength, their oppressions were limited by nothing, but the physical powers of the people to exist under oppression. So ill has the science of government been hitherto understood, that under all the governments which ever yet existed, except perhaps one or two, there is no regular and effective restraint upon bad government, except from the dread of the insurrection and rebellion of the people. In the governments of Asia, this produces no inconsiderable effects; as the frequent revolutions and changes of dynasty abundantly demon-

[1] "I should hesitate," he says, "to advance, if I was not supported by the authority of public record, that during a late scarcity of grain in the southern provinces, the *Manager* had the hardiness to write a public complaint to the Company's collector, against the Polygars, for selling grain to the inhabitants.—Nor was the evil removed, without the interposition of this government, who by sending vessels loaded with grain, induced the monopolizers, from regard to their own interests, to restore their usual supplies to the market." He adds, "As the means of cultivation decrease, the price of grain is enhanced;—and it is a notorious, but inhuman maxim of eastern finances, [*Query, how much it differs from the principle of an English corn law*]—that a time of scarcity is more productive to the Sirkar than a time of plenty, owing to the price at which the diminished quantity is sold." Papers, ut supra.

strate. When misery had produced disaffection, and disaffection had increased to a certain height, there was generally some popular leader who offered himself to the nation as an instrument of revenge, and cast the unworthy possessor from his throne. The progress, in general, was rapid and easy. When oppression produced a decline of revenue, the evident instability of the government deterred lenders; money became wanting to pay the troops; the troops first clamoured and then mutinied; the voice of the nation joined that of the army; a revolution took place; and commonly, for two or three generations, the new family governed comparatively well. Among the small sovereignties of India, misgovernment produced weakness, and weakness invited conquest. The misgovernment, for example, of the Carnatic and Oude, would infallibly have produced the conquest, of the one by Tippoo, and of the other by the Mahrattas: and as a prince was commonly strong, only because he governed well, to be conquered was among the happiest results which the people knew. Till, indeed, governments attain that high pitch of excellence, at which they really perform, in the best manner, and at the cheapest rate, the services of government to the people, all changes are, in general, for the good of the people. It is the stability of governments, which, before this state of excellence, human nature has to dread. Now, it is evident that when the uncontrollable force of a British army is lent to an Indian prince, his subjects are immediately placed without the pale of hope. The Prince is completely set above the only fears, which, in his situation, could operate as a restraint upon his disposition to oppress; that of insurrection, and that of being conquered. The source of almost all oppression, in Asiatic and European governments alike, is the rage of extorting more and more of their earnings from the people. This passion, instead of being abated by the connexion with the English, is prodigiously inflamed: when the tributary prince is carried to all the excesses of taxation, not only by his own rapacity, but the necessity of supplying the enormous demands of his European masters; and when his soldiers, as well as people, are kept in abject and hopeless subjection by the terror of European arms.

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The progress of this oppression produced in the English any determinate resolution of reform, only when the visible desolation of the country presented the prospect of a rapidly approaching moment, at which the English subsidy could no longer be found. We have seen what anticipations of this disastrous period the English rulers had already expressed with regard to Oude. The danger was still more imminent in the case of the Carnatic. "I cannot," says Lord Hobart, "but look with extreme anxiety to the nature of the security, provided by the treaty of 1792, for those resources on which the British interests on the coast of Coromandel materially depend. I cannot but see that the present system of collecting the revenues of the Carnatic manifestly invalidates that security: and that, whenever a failure may happen in the payment of his Highness's kists, we shall in vain have recourse to it for the recovery of the defalcation."

A palliative, if not a remedy, suggested itself, in the prohibition of loans to the Nabob by Europeans; because, "though the dealings of Soukars (native money-lenders) in the collection of revenue, were not of recent establishment, yet the terms of loans had never been carried to so usurious an extent as since the practice had been introduced among Europeans."

This, however, the Governor declared to be ineffectual. "The prohibitory orders hitherto published, have," he says, "all failed of their object. Because the evasion of them is easy to Europeans, through the agency of their native servant; and because the enormous profits which arise from those usurious loans, hold out an irresistible temptation to adventurers. To prohibit the intercourse of Europeans at the Durbar is ineffectual. Other channels of communication are open; and the superintendent of a usurious loan at Palamcotah conveys his demands to the ears of the Nabob with no less certainty than he who lives in the precincts of Chepauk. As long, therefore, as his Highness shall be so regardless of his true interests, as to deliver up his provinces, and his people, to public depredation, so long will there be found men, who, in the pursuit of extravagant advantages, will overleap the bounds of discretion and moral obligation."

In these circumstances, what is to be done? "So des-

perate a malady," said the President, "requires a remedy that shall reach its source. And I have no hesitation in stating my opinion, that there is no mode of eradicating the disease, but by removing the original cause; and placing those districts, which are pledged for the security of his kists, beyond the reach of his Highness's management;" in other words, assuming the collection of the revenue, and the whole of the internal government. And even this was a partial remedy; for though it might alleviate the distress of those particular districts, it left the remainder of the country to all the deplorable consequences of the misgovernment of the Nabob.

The Governor describes, in a style instructive for other occasions, the tissue of interests by which radical reform was opposed. "The disposition," says he, "which his Highness has already evinced to oppose such an arrangement, leaves me no doubt of the real cause. It is not possible to calculate the extent and variety of interests which are involved in this one pursuit. And, though they are subdivided in every direction of the Carnatic, yet at the call of danger they all rally round a common centre. The great houses of business, who are the principal money-lenders at the Durbar, borrow from individuals, who, though not absolutely engaged in the loan itself, are partakers of the speculation in a remote degree, and feel, with no less sensibility than their principals, the approach of danger. *Similarity of interest makes a common cause*; and the great body of interest which is condensed upon this principle, is uniformly exerted to support his Highness in an inflexible resistance against a melioration of system, and to oppose a reformation which I consider essential to the national welfare."[1] This representation is the more worthy of regard, as it is applicable, *mutatis mutandis*, to every government under the sun, in which there is need of reform.

On the day following the date of the Minute from which these particulars have been taken, the Governor of Fort St. George addressed a letter to the Governor-General in Council, in which he represents, that, in consequence of several communications which he had with Mr. Dundas, and with Lord Cornwallis, before leaving England, respect-

[1] See the Minute of Lord Hobart, printed papers, ut supra, p. 99—104.

ing the necessity of a change in that state of things which was established by the treaty of 1792, he had opened a negotiation for that purpose with Omdut ul Omrah; and that he had not communicated his intention to the Supreme Government, or waited for its concurrence, on account of the intrigues of those who, from personal interest, endeavoured to prevent the accomplishment of his object.

The first of the points which the Governor endeavoured to gain, was the transfer of the collections, including all the powers of internal government, in the districts pledged for the subsidy. The benefits would be; to the Nabob, the saving of the exorbitant interest which the usurers received; to the people, deliverance from extortion; to the Company, security against the desolation of the country. The second point regarded the Southern Polygars. The right of collecting the tribute from the country of the Polygars had been yielded to the Company by the treaty of 1792, but the nominal right of sovereignty reserved to the Nabob. This proved a source of obstruction to the right ordering of the country; and the Governor was desirous of seeing it resigned. In the third place, he endeavoured to obtain the cession of the forts in the Carnatic, which, according to an expression in the treaty of Cornwallis, were to be garrisoned by the troops of the Company.

To obtain the consent of the Nabob, Lord Hobart offered to relinquish certain claims, to the amount of thirty lacs of pagodas, or more. The influence of those who had opposite interests prevailed. "It has been with the deepest regret," said the Governor, "that I have found the Nabob unmoved by my entreaties and remonstrances upon this subject: not that he has been insensible to the justice and expediency of what I have proposed; but, as he has candidly confessed at several interviews with me, that he has not the resolution to comply; informing me that his native ministers and European advisers, so perplexed, plagued, and intimidated him, that he could not venture upon the measure, notwithstanding his conviction that he ought to do so."[1]

[1] President's Minute in Council, 24th November, 1795; Printed Papers, ut supra, p. 104. Lord Hobart felt what reformers are sure to experience,

The Members of the Supreme Government carried their expectations even further than the President of the Council of Madras; for no sooner was the decease of the preceding Nabob known, than they sent to that Governor their instructions, dated the 28th of October, 1795, to endeavour to obtain the consent of Omdut ul Omrah to the cession of all his territories.

Upon the failure of his endeavours to obtain the concurrence of the Nabob, Lord Hobart intimated his intention, to assume the district of Tinivelly, for the liquidation of the debt termed the cavalry loan; and to insist upon possession of the Carnatic forts. To this the Supreme Government objected, as an indirect mode of compelling the Nabob. They argued, that the treaty, in which that loan was not mentioned, gave no right to any assumption of territory for its liquidation; and, although the treaty did say absolutely, and without any specification either of time or circumstances, that "all the forts in the Carnatic were to be garrisoned with the troops of the Company;" as some case had not occurred which was specified in one of the negotiating letters of Lord Cornwallis, the Supreme Government contended that even this measure it was not lawful to enforce.

Lord Hobart was of opinion, that the Nabob had himself infringed the treaty, and thereby liberated the Company from its engagements, by granting assignments, which the treaty prohibited, upon the districts mortgaged for security of his annual payments: that self-preservation, threatened by the rapid desolation of the country, and the loss of resources which it implied, justified the Company in such interference as the necessity of the case required: and, above all, that the people of the Carnatic, to whom, beside the claims of humanity, it would be

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wherever the interests opposed to reform continue to exist: "I am aware," said he, "of the numerous enemies who will start up against me, for the part I have taken. But I have a shield in the consciousness of an honest execution of my duty, which blunts their arrows, and which will ultimately render all their efforts impotent and unavailable.—I have forborne to bring forward the names of individuals, not because I am not able to do so, but because the subject is above personal considerations.—Let those who have amassed wealth, by such means, enjoy it as well as they can. Let it be my pride to have paid this tribute to suffering humanity, by deterring others from the commission of similar enormities." Ibid. The enemies of reform in India, and the enemies of reform in England, are of one and the same *caste*.

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infamous to suppose, that the Company had not, by sharing the fruits of their labour, contracted sacred obligations, ought not to be sacrificed in millions, to any obligations, to any one man, which it was possible to contract.

On this subject, the Supreme Government declared "that their principles were fairly at issue with those of the Governor of Fort St. George," and appealed to the authorities at home. That jealousy, which was so apt to arise between the heads of the two Presidencies, especially when the head of the Supreme was inferior in rank to the head of the subordinate government, appears on this occasion to have imbittered the opposition of the Governor-General. In the address from the Supreme Government to the Court of Directors, commenting upon the arguments of the Governor of Fort St. George, it is said; "On the language of declamation or intemperance we shall never animadvert, unless it becomes necessary to the support of the authority of the Supreme Government; leaving it, on this, as on former occasions, to the observation and notice of your Honourable Court." On this expression Lord Hobart remarked; "If I am not to defend my conduct, when attacked—attacked in terms, not indeed of intemperance and declamation, but of cool, deliberate censure and severity, impeaching my character, as a public servant, in a manner not possible to be misunderstood, I am placed in a situation wholly incompatible with a due regard to my own reputation."

As for the principles stated by the Supreme Government as in opposition to his, he remarked that they could only be useful, in as far as they afforded "rules sufficiently definite to refer to, when exigencies called for specific measures of government; but that principles, professedly admitting of deviation, fluctuating with circumstances, neither alluded to, nor enumerated, but to be estimated, as they arise, by the existing government—the propriety, or impropriety of that estimation to depend, not upon precedent, analogy, or any written law, but upon the subsequent opinion of the world—can never be productive of those beneficial effects, avowedly sought for by the Supreme Board."[1] In this instance, the Governor of

[1] Letter from Lord Hobart to the Court of Directors; printed papers, ut supra, p. 87—93.

Fort St George saw clearly, and justly exposed, the futility of those loose and indefinite expressions of obligation, which are so fondly and frequently made use of by the half-informed persons at the heads of governments; expressions which are so effectual in misleading their understandings; but, at the same time, so fortunately adapted to enlarge the sphere of their arbitrary power.

Though, by the compound opposition of the Supreme Government, and of the powerful class of individuals whose profit depended upon the misgovernment of the country, no reform could be introduced, the war, which the progress of the French revolution brought on with the Dutch, provided for the Governor a sort of triumph, to which the enemies of reform, that is, of mankind, have seldom any objection. In 1795, an armament was fitted out at Madras, which, aided by a squadron of his Majesty's fleet under Admiral Ranier, completely reduced the settlements of the Dutch, on Ceylon, Malacca, Banda, and Amboyna, without any incident of sufficient importance to require a particular description. Their possessions on the Peninsula were likewise subdued; Cochin, after a great resistance. And their grand settlement at the Cape of Good Hope fell into the hands of the English, the same year. In 1797, preparation was made for expeditions against Mauritius, and the Spanish settlement of Manilla. The first division of the armament against Manilla had actually sailed to Penang, the port of rendezvous; when the accounts received of the treaty of Campo Formio, and the suspicions excited of Tippoo and the Mahrattas, frightened the government, after incurring the expense, into a renunciation of both enterprises.

In the beginning of the year 1798, Sir John Shore, who had been raised to the peerage, by the title of Lord Teignmouth, resigned the government of India, and sailed for England. Lord Clive, who was appointed to succeed Lord Hobart in December, 1797, arrived at Madras on the 21st of August, 1798.

CHAPTER VIII.

1798. *Lord Mornington Governor-General.—Agents of Tippoo at the Isle of France.—Governor-General resolves on immediate War.—Import of the Circumstances.—Opinions in India.—Nizam Ali receives more English Troops and dismisses the French.—Unfruitful Negotiations at Poonah.—Progression of Governor-General's Demands.—War begins.—Plan of the Campaign.—March of the Army.—Siege of Seringapatam.—Alarming Situation of the British Army in regard to Food.—Seringapatam taken, and the Sultan killed.—Division and Settlement of the conquered Country.*

WHEN the play of private interest is not instructive, either by the inferences which may be drawn from it, or by the consequences to which it leads, it escapes the curiosity of the historian, whose views are directed by utility alone. Whatever share ministerial intrigues may have had, in the fluctuations of council, which attended the choice of a new Governor-General, it is sufficient for us to relate, that after Lord Hobart was appointed, on the 23rd of October, 1793, to be Governor at Madras, he was nominated, on the 24th of December, in the same year, to succeed the Marquis Cornwallis, as Governor-General of India. That, enjoying honourable and affluent prospects at home, and at that time filling an office of high dignity and trust, Lord Hobart would not have left his country for less than the assurance of the highest place in India, was well understood. Ministerial volition, of course, was the origin of both the one appointment and the other. The administration, however, of Sir John Shore, who succeeded to the place of Governor-General, as senior member of the council, immediately upon the resignation of Lord Cornwallis, was not interrupted till the month of March, in the year 1797; when Lord Cornwallis was nominated a second time to fill the offices of Governor-General and Commander-in-Chief. The appointment was announced to the different Presidencies in India; and a measure so extraordinary, seemed to declare that there was something extraordinary in the cause of it. Extraordinary as it was, it remained without effect. In the

month of October of the same year, it was notified to the different Presidencies, that the Earl of Mornington was appointed to be Governor-General, in lieu of Marquis Cornwallis. He was appointed, it was said, "under circumstances, and for reasons, of a peculiar nature." The Directors added, that "various circumstances had induced the Marquis to resign his appointments."[1] Such were the mysterious terms to which the actors thought fit to confine themselves.

The Earl of Mornington had recently distinguished himself by a brilliant speech in the House of Lords against Jacobinism, which recommended him to the ministry, as a personage both of good principles, and of good abilities. The breach of faith to Lord Hobart it was proposed to compensate, viz. by money; and that out of the Company's purse. A proposition was brought forward for bestowing upon him a pension of 1500*l.* per annum, and this, after being once rejected in the General Court, was, nevertheless, by the due application of influence, finally confirmed. The Directors, when pushed for their reasons, hinted, that the attempt of Lord Hobart to transfer to the Company the civil, as well as the military, government of the Carnatic, was, in some way, which they said it was delicate to explain, the cause which rendered it inexpedient that he should continue longer in India. "That attempt," they observed, "whether owing to the ardour of Lord Hobart, or some other cause, unfortunately failed. This failure involved his Lordship in an altercation with the Supreme Government; upon which the Court of Directors thought it right to support their Governor-General, and to recall Lord Hobart."[2]

Lord Mornington arrived at Calcutta on the 17th of May, 1798, carrying out with him a mind more than usually inflamed with the ministerial passions then burning in England; and in a state peculiarly apt to be seized both with dread and with hatred of any power that was French. He had possessed but little time for acquainting

[1] Public Letter to Fort St. George, 18th Oct. 1797. Papers relating to the Carnatic, ordered by the House of Commons to be printed 10th August, 1803, i, 244.

[2] Speech of the Chairman in the General Court, 6th Feb. 1798. See the Report of the Debate, in the Asiatic Annual Register, vol. i.

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himself with the complicated affairs of India,[1] when all his attention was attracted to a particular point. On the 8th of June, about three weeks after his arrival, a paper was received at Calcutta, which purported to be a proclamation issued by the Governor at the Isle of France. The paper imported, that two ambassadors had arrived from Tippoo Sultan, with letters addressed to the constituted authorities of the island, and despatches to be forwarded to the government of France; that the object of the embassy was, to propose an alliance offensive and defensive with the French; and to request a supply of troops for the purpose of a war against the English; a war, which, with an earnest desire to expel the said English from India, the Sultan was ready to commence, as soon as the French should arrive to assist him. The proclamation then invited the citizens to offer their services, on the liberal terms which the ambassadors of the Sultan were ready to offer.

This paper, which the Governor-General calls truly an "extraordinary publication," he was at first inclined to regard as a forgery; because, if a scheme, of the nature here described, were really entertained, it was so much the interest both of Tippoo and the French, to conceal, and an act of such contemptible folly to divulge it, that such a total want of all capacity for business was scarcely credible, on the part either of a man intrusted with the government of the Isle of France, or of men whom Tippoo would choose for a delicate and important commission.

The Governor-General, nevertheless, received so violent an impulse from the paper, that he despatched a copy of it, even on the following day, to General Harris, the Commander-in-Chief, on the coast of Coromandel, at that time occupying, temporarily, the station of Governor of Fort

[1] Lord Mornington had been one of the commissioners for the affairs of India since 1795, and was not new to them upon his appointment. On his arrival at the Cape of Good Hope in February, 1798, he found the despatches from the India governments on their way to England, which afforded him full information on the state of affairs in India. He had also an opportunity of communicating personally with Major Kirkpatrick, late Resident at Hyderabad. The period allowed him therefore for becoming acquainted with the objects to which his attention as Governor-General was likely to be directed, was not restricted to a few weeks after his arrival. See Despatches from the Marquess Wellesley, vol. i. Letter from the Cape,—W.

St. George. His doubts respecting the authenticity of the document were declared; but General Harris was commanded "to consider, without delay, the means of assembling the army on the coast of Coromandel, if necessity should unfortunately require such a precaution."

On the 18th of June a letter was received, written by the Earl of Macartney at the Cape of Good Hope, for the purpose of conveying to the Indian government intelligence, that such a proclamation had, in fact, been issued at the Isle of France. And about the same time several persons arrived at Calcutta, who had been present on the island, when the incident occurred. "A strict examination" of those, whom the Governor-General calls "the most respectable of those persons," was performed. If their information was to be relied upon, it appeared that toward the close of the month of January, 1798, two persons arrived at the Isle of France, by a ship from Mangalore; that they were received with great demonstrations of respect, treated as ambassadors from Tippoo, and, during their stay on the island, entertained at the public expense; that, without any previous rumour or notion on the island that aid was about to be given to that prince, or a war about to commence between him and the English, the proclamation in question, two days after their arrival, was fixed up, and circulated; that the persons, thus treated as ambassadors, were so far from disowning the publication, that they ostentatiously held the same language, saw it publicly distributed by their agents at the place of their residence, and made promises in the name of the Sultan, according to its terms; and that on the 7th of March they embarked on board the French frigate La Preneuse, accompanied by the men on whom the inducements held out by them had prevailed, to the amount of about two hundred including some officers.[1] From other sources the Go-

[1] This is the account which is given in the Governor-General's Letter to the Court of Directors, dated 20th March, 1799. In his minute, in the secret department, 12th of August, 1798, the following is the account. "The ambassadors aided and assisted in the levy of 150 officers and privates, for the service of Tippoo, under the terms, and for the purposes, stated in the proclamation. Few of the officers are of any experience, and the privates are the refuse of the democratic rabble of the island. Some of them are volunteers; others were taken from the prisons, and compelled to embark. Several of them are Caffrees, and people of half caste. With such of these troops as were volunteers, the ambassadors entered into several stipulations and engagements, in the name of Tippoo." In Tippoo's own letter to the French Directory, under date the 30th of August, 1798, he says he received only sixty soldiers.

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vernor-General was informed, that the French frigate arrived at Mangalore on the 26th of April; that both the Frenchmen and the persons by whom they had been brought, were received with great marks of satisfaction by the Sultan, and that the principal part of the Frenchmen were admitted into his service.

That the Governor-General should have regarded these incidents as tokens of the hostile mind of Tippoo, was natural. The only material question relates to the nature of the impression on the mind of a wise man, which that inference was calculated to produce. That the mind of Tippoo, in regard to the English, was full of hatred, and the spirit of revenge, it needed no new incident to disclose, or to confirm. In fact, the peace of Seringapatam was concluded with him, under a perfect conviction that his mind was breathing all the rage of disappointed ambition and humiliated pride; and if the hostility of his sentiments had constituted a reason for war, in the opinion of the persons in India and Europe, who at that time composed the compound government of India, that peace would never have been made, as it was made, abroad; nor applauded, as it was applauded, at home. The basis on which the wisdom of that agreement rested, was the supposed soundness of the conclusion, that the power of Tippoo, far from able to resist the British when entire, was so little formidable when diminished to one half, that the hostility of his sentiments, however intense, and however certainly known, was a matter unworthy of particular regard, on the part of a people who declared all increase of territory unfavourable to their interests, and who, in the opposition of interest between Tippoo and the Mahrattas, could not fail to behold a security against the most formidable of the enemies whom India could raise up.

The impression made upon the mind of the Governor-General, by the incidents of which the above is the account, appears to have been strong and agitating in the highest degree. "Under all these circumstances, an immediate attack," says he, "upon Tippoo Sultan, for the purpose of frustrating the execution of his unprovoked and unwarrantable projects of ambition and revenge, appeared to me to be demanded by the soundest maxims

both of justice and policy.—Such was the tenor of my opinions as early as the 20th of June, 1798;" that is, only two days after any authentic information of the facts had been received. "I therefore," continues he, "recorded my decided judgment, that it was necessary to assemble the armies on the coasts of Coromandel and Malabar without delay, and I issued my final orders for this purpose on that day. I have no hesitation in declaring, that my original intention was — if circumstances would have admitted — to have attacked the Sultan instantly, and on both sides of his dominions, for the purpose of defeating his ostile preparations, and of anticipating their declared object. I was concerned, however, to learn, from persons most conversant in military details at Fort St. George, that the dispersed state of the army on the coast of Coromandel, and certain radical defects in its establishment would render the assembling a force equal to offensive movements against Tippoo, a much more tedious and difficult operation than I had apprehended."[1]

Either the Governor-General condemned the policy of the treaty which was concluded by Lord Cornwallis, and highly applauded by the ministers, by the parliament, and by the people of England; or, such was the change in circumstances, that the enmity of Tippoo, which was neither formidable, nor offered any reasonable prospect of being formidable, in 1792, had become intensely formidable in 1798; or, lastly, the mind of the Governor-General was in a state of inflammation, and decided upon suggestions totally different from a cool and accurate contemplation of the circumstances of the case.

No where, in his official correspondence, as he lays down the reasons of his conduct, does he state any disapprobation of the treaty of Seringapatam. It seems, therefore,

[1] Letter from Lord Mornington to the Court of Directors, dated 20th March 1799. Papers presented to the House of Commons relating to the late War in the East Indies with Tippoo Sultaun; ordered to be printed 26th Sept., 1799. "The necessarily dispersed state of the troops," (says Col. Beatson, View of the Origin and Conduct of the War with Tippoo Sultaun, i. 15,) "would have been of less importance but for those radical defects, which have in a certain degree at all times existed. These *proceed from a system of economy*, which precludes the expense of establishing depôts of grain in different parts of our possessions, and of maintaining a fixed establishment of draught and carriage cattle; without which no portion of the Madras army, however amply it might have been supplied with every other requisite for field operations, was in a condition to act with promptitude and effect."

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1798. Whether, in the circumstances of Tippoo or the English, there was any thing at that time, which rendered the inimical mind of Tippoo more alarming, than at the date of the peace, is the next point of rational inquiry. The English, unless we are to suppose that the government which they had established in India was too bad to admit of progression, must have advanced in all the elements of political power. They had enjoyed uninterrupted peace; they had taken possession, almost unresisted, of both the French and Dutch settlements in India; time had been given to improve their experience, and their institutions, and to reap the greatest possible fruit from the extensive districts which the partition of one half of Tippoo's former territories had added to their dominions. On the side of Tippoo no change could possibly have taken place, except by the exertions which he might have made to improve his revenues, and his army — revenues completely exhausted, and an army conquered and reduced — out of the resources of a country desolated in every quarter, by the ravages of war; and reduced to one half of that extent, over which the English had found it so easy to prevail.

It would be ridiculous, and at the same time the deepest imputation upon the English government, to suppose, that, intrinsically, the power of the English had not risen upon that of Tippoo, and rendered its preponderance still greater, during the interval of only six years which had elapsed since the pacification of Seringapatam. If then any danger to the English now accrued from Tippoo greater than the danger of 1792, it must be sought for in causes exterior to the condition and resources of the countries appertaining to each. The connexion with allies was the only circumstance from without, by which the power of either government was affected.

With respect to the English, it was, indeed, alleged that their allies, the Nizam and the Mahrattas, yielded a prospect rather of danger than of aid. This, however, was a circumstance which presented consequences of two different sorts. If the want of allies increased the causes of their dread of Tippoo, it rendered them less able to fight

with him, and therefore increased the motives to peace. If they were perfectly able to fight with him, notwithstanding the want of allies, this very circumstance proved, that they had nothing to apprehend from remaining at peace. If it was alleged that they were able to fight now, but should not be able, after the lapse of some time, it implied that Tippoo's government was better than theirs, and would more readily increase his resources.

Besides; it was not true, that the English were, to a considerable, if to any degree, less sure of auxiliary operations, than at the commencement, or any moment since the commencement of the peace. The Mahrattas, it was supposed, would stand aloof even if the Company were attacked. But in the first place, it was to be remembered, that as the Mahrattas dreaded nothing more than the increase of Tippoo's power, the natural conclusion was, that, if they saw the Company in any danger, they would be too strongly impressed with a sense of interest not to offer effectual assistance, and if at present they showed indifference to the dispute, or rather a jealousy of the English, the reason was, because they saw the English not likely, by suffering at the hand of Tippoo, to make Tippoo formidably strong, but much more likely, by crushing Tippoo, to raise their own power to a great and formidable height. It was also true, that at the moment when Lord Cornwallis concluded the treaty, a knowledge of the case was all that was necessary to convince any man, that hardly any dependence could, even then, be placed on assistance from the Mahrattas, in the event of a subsequent dispute; and, in fact, every circumstance, to which a hope of the co-operation of that people against the aggressions of Tippoo could be attached in 1792, existed in equal force at the present hour, and was as likely to produce the desired effect.

The only source of jealousy which regarded the Nizam the second of the English allies, was the corps of sepoys commanded by Frenchmen. In the state of mind by which the Governor-General, and Englishmen of his intellectual and moral caste, were at that time distinguished, the very existence of a Frenchman was a cause of alarm: and a military corps, under the direction of Frenchmen,

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assumed the dreadful aspect of a most enormous evil. It was, at the same time, however, a circumstance perfectly known, that this evil, whatever it was, it depended upon the English themselves, by an act totally free from difficulty, completely to remove. The Nizam had already proposed to Sir John Shore the dismissal of the French officers in his service, and the abolition of the corps, provided the English troops in his pay were so increased, and their services so extended, as to enable them to defend him against the aggressions of the Mahrattas. The English themselves, indeed, were eager to hold forth, that the French officers, by the avidity with which they absorbed the powers of the state, had become odious to the Nizam, who was now alarmed at their daring encroachments, and eager for their destruction. In point of fact, it was found, that, as soon as the Governor-General proposed to agree to the conditions upon which the Nizam had already offered to dismiss the French, his assent was obtained, and this cause, if such it is to be deemed, of seeking the destruction of Tippoo, was speedily taken away. The truth is, that the English were, in the first place, stronger, intrinsically; and, in the next place, not weaker, on any rational ground of computation, in respect of allies, in the year 1798, than in the year 1792. If there was anything real, therefore, in the ground of alarm, it is not in the circumstances of the English, but in those of Tippoo, that it is to be found.

The revenue which it was possible for the very limited territory of the Sultan to yield, and the moderate army which that revenue could maintain, it is miserable to contemplate as having been a subject of alarm, to a people, possessing the resources of the English, and so many degrees advanced beyond their opponents in the art and science of war. Of course, it is in circumstances extrinsic to his dominions, if in any, that Tippoo can be regarded as having been formidable to the English, or as laying them under any obligation, beyond that which existed in 1792, to adopt extraordinary measures of self-defence. But of such circumstances one only can be named; and that is, his union with the French. To clear up, therefore, every difficulty in this question of policy, it only remains to inquire how much of danger was implied in

the connexion which he had formed with that formidable people.

Tippoo was by no means without a connexion with the French at the date of the treaty of Seringapatam. A French corps had formed a distinguished part of his army from the moment he ascended the throne. When that treaty was concluded, a war was impending between the English and the French; and no man could have a doubt that Tippoo would gladly join the enemies of those whom he regarded as his inveterate foes, should those enemies think of carrying their arms to that distant part of the globe. With all these circumstances fully before him, Lord Cornwallis thought it wise to make peace. Had any new circumstance occurred, to make it wise in Lord Wellesley to come to the determination, which he says he had formed on the 20th of June, 1798, of attacking Tippoo immediately, if he had found it possible to assemble the troops? Two men had appeared at the Isle of France, and a proclamation had been issued by the Governor. From this, as far as then was known, only one of three inferences could rationally be drawn. Either that it set forth a number of falsehoods, for the purpose of precipitating the English into an Indian war. Or that it was the act of a madman making public a communication which it was so much the interest of both parties to keep in the profoundest secresy. Or, which was by far the most probable supposition, that it was nothing but an act of boasting, bragging, folly, with something of very small importance for its foundation. Nothing was more likely than that Tippoo, seeing the increase which had taken place in the French corps in the service of other native powers, both in that of the Nizam, and that of the principal Mahratta power, was very desirous of increasing his own; and might have sent agents to the Isle of France for the purpose of engaging both officers and men. It is well known, how much of boasting, and of exaggeration, enters into the verbal intercourse of the East; it is well known, also, that Tippoo carried this weakness to excess, and might be regarded as a braggart even among orientals. It is still further known, that on nothing was he fonder of bragging, than his power in relation to the English, and the vengeance which, if provoked by them, he should one

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day inflict. It was, therefore, not incredible, it was highly probable, that with a view to obtain a more favourable reception to his application for leave to enlist soldiers in the Isle of France, his agents were instructed to talk very high, to boast of his enmity to the English, and even his power, if well supported by the French, to expel them from India. Vapour of this kind was a thing too common in India to excite any particular regard. But it was not surprising, if it produced on the French Governor a very different effect. It was very well known, at the period when the Governor-General was called upon to deliberate or to decide without deliberation, upon the question of peace and war, that a high degree of excitability had, by the events of their revolution, been conveyed to the minds of Frenchmen; and they were almost as much disposed to the language of vanity and ostentation as the orientals themselves: and the only rational conclusion was, that the Governor, evidently a very ignorant and foolish man had been eager to adopt any occasion, however insignificant, of indulging his propensity for boasting, exaggeration and display; that the loose, hyperbolical talk of Indians had been held forth as the momentous language of a solemn negotiation; and that two agents for recruiting soldiers had been transformed into ambassadors, for the purpose of contracting an alliance, offensive and defensive, between the Sultan of Mysore, and the Republic of France.

But, even should we go so far as to allow the wisdom of supposing that Tippoo had made an overture of the most serious kind for an alliance offensive and defensive against the English, an important question is still to be asked. Did this, in the smallest degree, alter the circumstances of the English in regard to Tippoo? Was their danger, in any respect, increased? Would they have been perfectly safe to remain at peace, had not this overture been made? If so, in what respect did this overture increase the probability of evil? It may be affirmed, without any dread of refutation, that it produced no effect of that description whatsoever. In reality, the incident disclosed nothing with regard to the mind of Tippoo, which was not perfectly known, believed, and acted upon before; namely, his eager desire to do mischief to the English, and to

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unite with any power that would embark in the same design, more especially with the French, whose power and hatred appeared to offer so great a resource. In fact, the incident made a disclosure, which might have been regarded as agreeable; that the connexion between Tippoo and the French was so trifling, and their mode of intercourse so very childish and absurd. It might have been expected, and it ought to have been beforehand supposed, that a perfect and regular channel of communication was opened between them and that their conjoint means of annoying the English had been well digested, and perfectly understood.

But, if this incident disclosed nothing with regard to the minds of Tippoo and the French, except that they were less capable of doing mischief to the English, than might before have been reasonably expected, it can hardly be supposed, that an overture so loose, indefinite, full of negligence and mismanagement, could add any thing to the motives of the French for carrying hostilities to India, if their circumstances admitted so costly an experiment. And, lastly, if this overture intrinsically altered nothing, either in regard to the dangers of the English, or their knowledge of that danger, except by showing that it was less than they might have supposed, was there any thing, (for that is the last hypothesis) in the state and condition of the French nation, at that particular time, which rendered it more likely they should now send an army to India, than at any period since the conclusion of the treaty of Seringapatam? During the two days between the 18th and the 20th of June, 1798, in which contracted space the Governor-General made up his mind, upon the strength of the incident in question, to attack the sovereign of Mysore instantly; it may be affirmed, that he had no rational ground for supposing it more likely that the French would then make war upon India, than it had been at any period since the war between them and England began. It evidently follows, that there was no reason for destroying Tippoo, at this particular moment, which had not existed at every moment since the commencement of the negotiation for peace.

Still, the character of the policy which was pursued by the Governor-General remains to be determined, by the

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solution, not of the question whether more reason, than at any preceding period, existed for the destruction of the Sultan, but of the question, whether then sufficient reason existed as well as, if such where the coincidence, at any antecedent time. More obscurity rests upon this determination. If it be true, that the Governor-General ought to have been guided by the act of parliament, made and provided for the express regulation of his conduct, the answer is not doubtful. By that act, all augmentation of territory, and every act of war against an Indian prince, except for self-defence, in the case of actual hostilities, was declared to be contrary to the interest, and injurious to the honour of the British nation. It will be impossible to show, that the war into which the Governor-General was so eager to plunge, was a war of self-defence, except by such arguments as will show that no war which has a prospect of adding to the securities of a nation can ever be a war of a different sort. If it was proper in the Governor-General to treat the act of parliament with contempt; as the parliament itself soon after declared that it was, by thanking and applauding him for his flagrant violation of that act; and if the only question was, whether or not the British interests were to be promoted, or the contrary, by the ruin of this dreaded foe, the inquiry is more complicated. What was to be gained was abundantly obvious; it was the saving of the expense, which the maintenance of a force, sufficient to guard against any chance of evil from his malignity, would have required. This expense, if the war by good fortune had not been so very short, would not perhaps have equalled the interest of the money expended by the war. Had this been the fact, more would have been lost, it is evident, than gained, by the destruction of Tippoo; for as to the mere increase of dominion, independent of security, that, in the shape of a good, was not less violently renounced by Lord Mornington, than by the parliament, and by the nation at large. It was on this foundation, or otherwise it will be difficult to find one, on which, after conquering the dominions of Tippoo, instead of keeping the whole for the benefit of his country, he gave to others an important part, and even urged upon the the Mahrattas a portion which they refused. With regard to what was lost to the British interests by the destruc-

tion of Tippoo (for even the power of Tippoo was an evil not without its good), it is much less easy to form any thing like a determinate opinion. While Tippoo existed, the Mahrattas might be confidently expected to be much more subservient to the English, on whom alone they depended for assistance against this their greatly dreaded foe, than they were likely to be after his destruction, when every source of apprehension was taken away. What amount of evil might be involved in thus relieving the Mahrattas from all dependence upon the English, cannot of course, be exactly defined. The English were able to chastise them when they thought chastisement requisite. A case might even be supposed, in which Tippoo instead of being an opponent, might have been a confederate of the Mahrattas against the English. This supposition, however, is obviously confined to one case, that in which the English, renouncing their pacific policy, should bring the Mahrattas into a greater dread of unprovoked evil from the English, than they lay under in regard to Tippoo. As affairs were actually situated, the effects of their emancipation from the dread of Tippoo soon began to appear; and the Governor-General found himself under the supposed necessity of checking their audacity by a war.

That the contemplation of the facts, made on other occasions, an impression, correspondent to the inferences which have here been drawn: made such an impression, at the time, on the minds of the most instructed men in India, there is a remarkable document to show. On the 24th of July, 1798, a meeting was held of the British inhabitants of Calcutta, on the subject of the voluntary contributions in support of the war against the French, contributions promoted with great zeal by all expectants and dependants on government, in every part of the British dominions. To this meeting great importance was attached; and all the persons highest in their consequence, and warmest in their aspirings, were forward, by the exhibition of their persons, and of their fervour, not to omit so easy an opportunity of establishing a new title of merit in the eyes of their superiors. In this splendid and numerous assembly, the Advocate-General, Mr. Burroughs, made the introductory address, at great length, and with

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the best of his eloquence. He introduced in it the following observations, which constitute an article of evidence, of some weight, in determining the questions which arise out of the circumstances of that important era. "Every man," he said, "at all acquainted with our situation, must know that in India we never before were so powerful and so unassailable, as at the present moment. We have an army infinitely stronger, in number and discipline, than we ever had before in India. We are without an enemy who can venture to attack us; and he would assert, that there was not a single native who would now even wish to attack us, unless, indeed, our old enemy Tippoo might have such a wish.[1]

But that prince had received such a lesson in the last

[1] If any doubts could have been entertained of the implacable hostility of Tippoo, and his purposes to assail the English, whenever what he regarded a favourable moment should occur, they were dissipated by the mission to the Mauritius, and the proclamation of the French Governor, which however absurd and premature, was authentic evidence of the Sultan's feelings and designs. It would have been strange policy to have waited for the accomplishment of the latter; to have repeated the imbecility of the Madras government in the war with Hyder, and suffered Tippoo to devastate the Carnatic before a force could be organized to oppose him. Perpetual preparation for actual hostilities is a more expensive and anxious state than that of warfare. Active operations once commenced must have a termination. Arming against their probability is indefinite. It is argued in the text, that hostilities were inexpedient because Tippoo was weak. Was the British government then to wait till he should be strong; till the negotiations which he was publicly carrying on with France should have brought him the effective co-operation of the organized army of Raymond, or succours from France. The former would have been easy — the latter more practicable than the politicians of Calcutta imagined. The same chances that landed a large army in Egypt at this very period, in spite of the superiority and vigilance of our fleets, might have operated in sending to the Sultan a body of officers and men, by whose aid his resources would have been made powerfully to contribute to the annoyance and perils of our Indian empire. The co-operation of France, to an extent far beyond a handful of soldiers from the Isle of France, was held out to the Sultan, and formed part of the plan which led to the invasion of Egypt. A letter from Buonaparte to Tippoo, was well calculated to encourage him and to alarm the Government of India. There was also ground for apprehension in the threatening attitude of Zemaun Shah on the north-west of India; and, although the event was not a reasonable subject of doubt, yet hostilities were unavoidable, and they were prudently as well as boldly anticipated by the promptitude and determination of the Governor-General. The line of conduct which he adopted concurred entirely with that enjoined by the authorities in England, as soon as the information of Tippoo's proceedings reached them. A letter from the Secret Committee, of the 18th June, 1798, instructs the Governor-General, that if he should judge that Tippoo's designs are such as the French proclamation represents, and that he is making preparations to act hostilely, it will be advisable not to wait for such an attack, but to take the most immediate and decisive measures to carry the war into the enemy's country. The circumstances described in the text prevented the previous fulfilment of their instructions, but there can be no doubt that when hostilities are, as they were in this instance, sooner or later unavoidable, sound policy, as well as common sense, prescribes that no time shall be granted to an enemy to render himself formidable. See the Wellesley Despatches, vol. i. p. 63, 83, 91, 295. App. 686.—W.

Mysore war, as must deter him from any such enterprise again, even if he could have the aid of France in doing so. Any aid from Europe it was impossible he could have, considering the total want of ships in France, on which troops could be transmitted; and we know besides, that the English fleets maintained the entire dominion of the seas, and that our enemies were every day lamenting their inability to send one sail in safety from any of their ports, as they were all blocked up by the British navy. The French islands in India had thrown off all connexion with France, and instead of taking any part against us, must now look to us as friends, to protect them from any attempts which might be made on them by France."[1]

Compelled reluctantly to abandon the design of immediately invading Mysore, the Governor-General, nevertheless, renewed his orders for assembling the army with the smallest possible delay. In the policy of this measure, the Madras council by no means concurred. Besides the length of time necessary for assembling the army, the expense, they said, would be so enormous; and so much danger would be unavoidably created of provoking hostilities with Tippoo, by vast preparations importing the design of war; that they could not think themselves justified, without a strong representation, in obeying the orders which they had received.[2] "Not discouraged," says the Governor-General, "by these suggestions and representations, I insisted on the immediate execution of my orders"[3]

During the interval which was required for assembling the army, the Governor-General found employment in negotiating with Nizam Ali the dismission of the French officers, and the dissolution of their corps. His minister, to whom the business of the state was almost wholly committed, was a partisan of the English, and well disposed

[1] See a Report of the business of this meeting: Asiatic Annual Register, vol. i. Chronicle, p. 31.

[2] A review of the late War in Mysore, in a Letter from an officer in India. Published by M. Wood, Esq. M. P. Colonel, and late Chief Engineer, Bengal, p. 10. The Governor-General's Letter, ut supra, parag. 38.

[3] Ibid. Colonel Beatson says (Views of the Origin and Conduct of the War with Tippoo, i. 4). "The apprehensions entertained from the designs of Tippoo Sultan were certainly, at that period, considerably increased by the bold and decided measures of preparation and defence, which the Marquis Wellesley judged proper to adopt, a very few weeks after he had taken charge of the supreme government of India."

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for the annihilation of the French party; as soon as the British government would consent to replace them by a force adequate to the service which the French performed in the protection of the country. The Nizam was not altogether blind to the dangers of placing himself in a state of helpless dependance upon a superior power: but, totally unequal as he knew that he was to the defence of himself against the Mahrattas, against the Sultan, or against the English, it was easy for the minister to convince him that he was safer in the hands of the English than of either of the other two. From the attainment of what he regarded as an object of unspeakable importance, the dissolution of a French corps in the service of the Nizam, Lord Mornington was far from allowing himself to be restrained by any dread of offending the Mahrattas; the motive by which the mind of his predecessor had been swayed. His instructions were issued to the acting Resident at Hyderabad, on the 8th of July, to open a negociation with the Nizam: and, on the 1st of September, a treaty was concluded, by which four battalions of British troops were added to the former two, and the British government was pledged for the protection of the Nizam against any unjust demands of the Mahrattas. The Nizam, on his part, engaged to disband the French corps in his service; to deliver over its officers to the British government, whenever the whole of the British force should arrive in his capital; and to raise the subsidy, which he paid for the maintenance of the British troops, from 57,713, to 2,01,425 rupees per month.

Though the force which the French officers commanded consisted, after all the alarm which it occasioned, of less than 14,000 men, it was necessary to take precautions against the chance of their resistance. Pending the negotiation, the additional troops destined for the service of the Nizam were collected in that part of the Company's territory which touched upon his frontier; and, on the 10th of October, joined the two former battalions at Hyderabad. Fortunately for the schemes of the Governor-General, Raymond, whose talents and great influence might have been formidably exerted for the preservation of his power, had died a few months before; and a struggle for ascendancy had introduced great animosity and dis-

union into the corps. Not only the Nizam, but even the minister himself, wavered, however, and drew back, when the enterprise came to the verge of execution. In so little respect was this greatly dreaded corps really held by the British officer, who commanded the six subsidiary battalions, that he did not hesitate to take a decisive step. He declared his determination, unless the Nizam came to the immediate resolution of fulfilling his engagements, to make an attack on the French camp with his own forces, and proclaim the want of faith in the Nizam's government as the cause of all the consequences which might ensue. A proclamation was soon after sent to the French camp, announcing the discharge of the officers, and declaring it treason in the soldiers to obey them. The soldiers were already in a state approaching to mutiny. The disorders now proceeded to greater violence; and the officers were imprisoned by their men. In this helpless situation, the camp, which at the time did not contain above 11,000 men, the rest of the corps being on a distant detachment, was surrounded by the whole of the British battalions, and a strong body of the Nizam's horse. The men, upon a promise of their pay, and continuance of service, laid down their arms; and the arrest of the officers was accomplished without difficulty or danger. Notwithstanding the unfriendly passions which Frenchmen at this moment excited in the breast of the Governor-General, he was careful to ensure to the individuals who had fallen into his power, that generosity of treatment which a gallant mind is ever prompted to bestow. Their property, together with such arrears as were due to them by the Nizam, were secured to their use; they were conveyed to Calcutta, under every indulgence compatible with the security of their persons; and on their arrival in England, the Governor-General provided that they should not be treated as prisoners of war, but transported to their country without detention.[1]

[1] Letter of the Governor-General to the Court of Directors, dated 21st Nov. 1798. Printed papers, ut supra, p. 6. Malcolm's Sketch, p. 236—244. Beatson tells us (i. 50) that the secret was well kept; that the cause of sending the detachment from Guntoor to Hyderabad was not made known to the government of Madras; and that the intelligence of the annihilation of the French corps came by surprise upon the English of Calcutta and Madras. He tells us also, that their minds were in such a state as to regard the transaction as a perfect master-piece of policy.—M.

The secret was well kept, but it is not correct to say that it was not commu-

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The chances of good or evil from the Mahrattas, also, forced themselves upon the attention of the British government; and negotiations were carried on at Poonah, at the same time with those, which, at Hyderabad, were conducted to an issue deemed so exceedingly favourable. The negociations, however, attempted with the Mahrattas, produced not equal results. The substance of the treaty negotiated at Hyderabad was communicated to the Peshwa, both before and after its conclusion. "And at both periods," says the Governor-General to the Court of Directors, "he expressed his entire approbation of the nature and tendency of the new engagements, as well in their operation upon the interests of the Mahratta empire, as upon those of the Nizam."[1] On the other hand, Sir John Malcolm says, "The measures taken at Hyderabad were regularly communicated to the Peshwa; but that prince, either influenced by his weak councillors, or acting under the control of Dowlut Rao Sindiah, obstinately continued to withhold his formal consent to any acknowledgment of the right of the British government to arbitrate in his disputes with the court of Hyderabad."[2] Of course, it may be said, the Governor-General knew best. It may also, however, with equal certainty be said, that he had the greatest temptation to lay on a colour; that if none except agreeable consequences were supposed to flow from his measures, the favour of his employers would be enhanced; that from this species of art, which had been amply practised by his predecessors, Lord Mornington must have been a man far superior to his predecessors to stand always exempt; and that of those expedients for a colour, the two letters which have just been quoted appear to present us with instances. In the first place, when mention is made of the time which would be required for assem-

nicated to the Government of Madras, of which General Harris was temporarily the head. The intention was made known to him by a despatch in the secret department in July. Wellesley Despatches, i. 132. Nor is it true, that it was not known to any but the Government, for Munro, in a letter dated Sept. 1798, says, "The Nizam has, either of himself, or by the interference of the supreme government, conceived the design of breaking them (Raymond's force) altogether, or, at least, of disbanding all the corps that are suspected of being under French influence. A strong detachment has been formed at Guntoor to march in case of necessity to Hyderabad. The sooner they move, the better; for no time ought to be lost in destroying this party, so hostile to our interests in the Deccan. Life i. 202.—W.

[1] Letter, ut supra, parag. 24.

[2] Malcolm's Sketch, p. 244.

bling the army of the Carnatic, no mention whatsoever is made of the disapprobation expressed by the Madras council. In the next place, when the execution is described of the measures taken for the destruction of the French corps in the service of the Nizam, the reluctance exhibited by the Nizam, when the crisis arrived, is not only covered with silence, but with a language which implies uninterrupted alacrity and zeal. Beside the difficulty, in such a situation as that of Sir John Malcolm, of remaining long ignorant of such a general and important fact, the consequences also tally with his representation; for all the efforts of the Governor-General to draw the Mahrattas into an intimate connexion with him, totally failed. And again; as Sindiah, not the Peshwa, was at this time predominant over the Mahratta councils, the assent of the Peshwa had little value; and if presented to people ignorant of the state of the facts, as equivalent to that of the Mahratta power, was only calculated to produce deception. It seems to be affirmed, from private information, by Colonel Wilks, that both Sindiah and the Peshwa, under alarm at the symptoms of ambition which at this moment distinguished the movements of the British power, were actuated by favourable dispositions towards the sovereign of Mysore; but Sindiah was afraid to take a positive step, on account of his dominions in the North, which the English had an army ready to invade; and the Peshwa beside the imminent danger to which the hostility of the English would expose him, had no liberty to act but as Sindiah directed. The Governor-General, accordingly, when at last he found that assistance from the Mahrattas was not to be obtained, encouraged by the probability that he would receive no opposition, resolved to proceed in his warlike operations without them.[1]

[1] Hist. Sketches, iii. 361—366.—M. We have now before us the whole of the instructions addressed by Lord Mornington to Col. Palmer, the Resident at Poonah, and are able to see how much of the statements on which the reflections in the text are founded, are accurate. The former are incorrect, the latter consequently, are inapplicable. The reduction of the French brigade was communicated to the court of Poonah only when it had actually taken place. Despatches, i. 112. The consent of the Peshwa to the measure was never asked, and could not therefore be withheld. What was proposed and not acceded to was, the establishment of a subsidiary force at Poonah. Beside the jealousy awakened by this proposition, the Peshwa was alarmed at the apparent intention of the British Government to compel the restoration of Nana Furnavese to his ministerial functions. Despatches, i. 118, 123, 252, &c. Although he shortly afterwards became reconciled to him. So Capt. Grant observes

BOOK VI. CHAP. VIII. 1798.

On the 18th of June, the Secret Committee of the Court of Directors wrote from England to the Governor-General in Council, that they had just received from his Majesty's ministers information of a large armament which had sailed from Toulon on the 19th of the preceding month; and that amid the various conjectures respecting its destination, it was not conceived impossible that India might be the object of attack, by way of the Red Sea, or its coast, after conquest of Egypt; "or even," the Directors add, "by the Black Sea, or by Bussora. His Majesty's ministers," they continue, "have therefore informed us that immediate measures will be taken for a considerable augmentation of the European force in the East Indies: you may expect that not less than 4000 seasoned and disciplined troops, and perhaps a larger number, may be sent to the Company's settlements with all possible expedition, part of which will, we trust, reach India not many months after the receipt of this despatch."[1]

It was not before the 18th of October, that the Governor-General first received authentic intelligence of the expedition from Toulon, and the invasion of Egypt; when his preparations against Tippoo were approaching maturity. The constituted authorities in England, under impression of the danger which the invasion of India by so great an army would produce, gave directions to the Governor-General, to make war upon Tippoo, if he appeared to be actually accumulating the means of seconding invasion by the French. They seem not to have regarded the proclamation at the Mauritius as satisfactory evidence of any such design; of which they express themselves in the following words: "We are unable to judge, whether this proclamation be in reality what its import declares to be; or intended merely as a feint, with a view to embroil us

"The sudden desire now evinced by the English to grant him a subsidiary force, (which he had before applied for in vain); their frequent recommendations to reinstate Nana Furnavese in the ministry, and to remove Sindiah from Poonah, led Bajee Rao, whose views and information were bounded by narrow limits, to suppose that the whole was a scheme of the detested Nana, the object most dreaded, and therefore uppermost in his mind. Mahr. Hist. iii. 169. And, although he ultimately was bribed by Tippoo, and persuaded by Sindiah to withhold his assistance, yet at this time he pledged himself faithfully to execute the conditions of subsisting engagements, and, on the prospect of a war with Tippoo, promised to afford him his aid. Ibid. 173.—W.

[1] Printed Papers, ut supra, No. 1.

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with Tippoo." And they marked out unambiguous preparations for war, as the circumstances by which the judgment of their subordinates in India ought to be determined. "It is highly improbable," they say, "that Tippoo should have entered into any league with the French, without some apparent preparation, on his part, of a hostile nature, in furtherance of their designs. If such shall have been the case, it would be neither prudent nor politic to wait for actual hostilities on his part." Preparation for war, in the only sense which can here be applied, is such an augmentation, or such a disposition, of the instruments of war, as, to some considerable degree, is both unusual, and increases the danger of the suspecting state. That any such augmentation or disposition of the instruments of war had taken place on the part of Tippoo, no evidence was ever produced; while evidence to the contrary appears in abundance.[1] Even with the permission which the alarm of the French expedition extorted from the Directors, they thought proper to enjoin that in resorting to hostilities, "the utmost discretion" should be used; "that we may not," they say, "be involved in a war in India, without the most inevitable necessity."—That inevitable necessity existed, or any necessity at all, will not easily, after the first impartial exposition of the facts, be again alleged. The war might be advantageous, or it might be not advantageous. But the word must be used in an extraordinary sense, if it ever be denominated necessary.

[1] "It was supposed," (says Colonel Beatson, p. 57) "that Tippoo Sultaun's army had suffered essentially, both in numbers and discipline, since the last war: his finances were in disorder: his councils were perplexed by discordant opinions; and his spirits dejected and broken by the disappointment of his hopes of French assistance; by the retreat of Zemaun Shah; by the failure of his intrigues at the courts of Poonah and Hyderabad; and by the unexampled vigour, alacrity, and extent of our military preparations." "Tippoo Sultaun's field army" (he says p. 204) "was estimated at 47,470 fighting men."—Mr. Beatson argues only upon "supposition," but, notwithstanding the assertion of the text, there is specific evidence that the forces of Tippoo had been augmented, and were in such a position as rendered them capable of being directed at once to military aggression. The Sultan's whole force amounted to between 70 and 80,000 men; of these, about 30,000 were in Seringapatam, and its immediate environs; the whole were in a state of activity and efficiency, provided with guns, and baggage, and carriage cattle. Tippoo was, no doubt, induced to hesitate, by his disappointment as to the succour he expected from the French, but his intrigues at Poonah did not fail, and this was some consolation. See Abstract of the present State of Tippoo Sultan, by Capt. Malcolm, Wellesley Despatches, Appen. 651; also a paper of intelligence from Lord Clive, p. 361.—W.

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On the last day of October, that is, in less than a fortnight after he was informed of the invasion of Egypt, the Governor-General received intelligence of the destruction of the French fleet by Sir Horatio Nelson, at the mouth of the Nile. Notwithstanding this decisive event; "I did not," he says, "relax any part of the naval or military preparations which had been commenced under my orders;—being still uncertain of the fate of the French army in Egypt, and ignorant whether an additional force might not have been intended to co-operate with it in India, by the ordinary passage round the Cape of Good Hope."[1] The chance of the invasion of India, from either quarter, will not at the present moment be regarded as having been very great. It will not come up to the description of what constituted an "inevitable necessity" for going to war with Tippoo.

"The immaturity, however," says Sir John Malcolm, "of the Sultan's plans, formed, in Lord Wellesley's opinion, the strongest reason for an immediate attack upon his possessions: but the delay, which was likely to occur in assembling the army on the coast of Coromandel, which had been reduced to a very low establishment, and was in a very divided and unequipped state, obliged him to alter it; and he made no communication whatever to Tippoo Sultaun on the subject of his proceedings, till the military preparations, both at Madras and Bombay, were complete; and the alliance with the Nizam had not merely been restored, but rendered so efficient, as to secure the full application of the resources of that Prince in aid of the common cause."[2]

During all the time of these remarkable proceedings, it is singular that Tippoo was either without the means, or without the inclination, of making any considerable addition to his habitual state of equipment for war, and, with and appearance of insensibility to all that surrounded him, forbore even to remonstrate against the accumulation which was going forward of the instruments of his destruction.[3] When the beginning of November arrived, the

[1] Printed papers, ut supra, No. 8.

[2] Malcolm's Sketch, p.254.

[3] The inertness of Tippoo, as has been shown in the last note, is an unfounded assertion. He was actively strengthening himself, both in his military arrangements, and by negotiation with the Mahrattas. The preparations

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Governor-General thought the opportunity was now favourable to exhibit his complaints. On the 8th of that month, he addressed a letter to the Sultan, in which the expressions were conciliatory, rather than hostile, but in which he informs him of the connexion which he was aware had been formed between him and the French, "Whom you know," says he, "to be the inveterate enemies of the Company, and to be now engaged in an unjust war with the British nation." He then gives him a lecture on French principles; which will be appealed to hereafter as a monument of the times. "It appears not," he adds, "either necessary or proper, that I should any longer conceal from you the surprise and concern with which I perceived you disposed to involve yourself in all the ruinous consequences of a connexion, which threatens, not only to subvert the foundations of friendship between you and the Company, but to introduce, into the heart of your kingdom, the principles of anarchy and confusion; to shake your own authority; and to destroy the religion which you revere." On the disposition of the Company to preserve inviolate the obligations imposed by the relation of amity and peace, the Governor-General cited the remarkable instance which had recently occurred; of a district of country to which, though possessed by the Company, the Sultan laid claim, and of which, his right having been ascertained by arbiters mutually chosen, restitution had been made. As the result of these premises, the Governor-General proposed to send to him a British officer, whom he already knew, to communicate to him, on the part of the English, and of the Peshwa and Nizam, their allies, the plan which, in their opinion, was calculated "to remove all existing distrust and suspicion, and to establish peace and good understanding on the most durable foundations."[1]

Of the terms which, at different periods, the Governor-General was disposed to allow Tippoo Sultaun, he himself has given a very instructive history, in his letter to the

against him, confined to the re-organization of the Madras army, were not of a nature to inspire any particular alarm, or to call for remonstrance; they were entirely defensive.—W.

[1] Letter from Lord Mornington to Tippoo Sultan, printed papers, ut supra, p. 24.—M. Despatches i. 326.—W.

BOOK IV. CHAP. VIII. 1799.

Court of Directors, under date the 3rd of August, 1799.[1] What was the extent of his views in relation to the attack which he was so eager to make, immediately after he first received intelligence of the foolish proclamation at the Isle of France, he has no where disclosed.[2] When he found the execution of this design impossible, and how much time it would require to put the army in a condition for action, he would, he says, have been "contented with any adjustment which offered a reasonable prospect of detaching Tippoo from his connexion with the French;" and that, "in the arrangement which then occurred to him, his views were limited to the establishment of permanent residents, on the part of the Company, and of the allies, at Seringapatam, to the dismission of all the French then in the Sultaun's service, and to the perpetual exclusion of the French from his armies and dominions."

Before preferring these demands, he first, however, deemed it politic to place the armies in a posture for action; and to take measures for lessening the chances of evil, as well as improving the chances of good, at the hands of the Nizam and the Mahrattas. The month of November had thus arrived before he was ready to make his first communication. But, at that time the French had invaded Egypt, which appeared to increase the dangers of the English dominion in India; on the other hand, the military preparations of the English were advancing to maturity on a great scale, the French party at Hyderabad was destroyed, the resources of the Nizam's country were, by the late arrangement, placed at the disposal of the Company's servants, and the English now had power to enforce whatever demands they might think proper to advance. The Governor-General, therefore, resolved not to content himself with the terms which, without having communicated them, he would have

[1] See the papers relating to East India Affairs, printed by order of the House of Commons in the year 1800.

[2] Non-acquaintance with documents is not equivalent to non-existence. Lord Mornington's views, in his proposed plan of immediate attack, were detailed by him to the authorities in England. His main object was to compel Tippoo to cede his territories in Malabar, so as to cut off his communication with the sea-coast and the French; to exact from him indemnification for the expenses of the armament, and to insist upon his receiving an English Resident at his capital. Letter to Dundas. Despatches, i. 82. To these terms he still adhered when the prospect of hostilities became more imminent, as is noticed in the text, and it is justly admitted that they were not extravagant.—W.

thought sufficient for all necessary purposes before. If, however, the real ground of the war was not the love of conquest, which was so fervently disclaimed, but the chance of danger from the power of Tippoo, as was the grand pretence, the new degree of security which had accrued to the Company was a reason, not for war, but peace. The additional chance of invasion, by the presence in Egypt of the French, presented, as far as it went, a demand for additional security. But that chance was to be weighed, and its value ascertained. Except to an eye surrounded by the mists of ignorance or passion, which saw its object hideously enlarged, it could not appear to be great. Besides, as the British government would not long remain without a grand effort to expel the enemy from Egypt, the Company might have quietly rested on its guard, without incurring the mischievous expenditure, not to speak of any more of the detestable consequences of actual war, at least for a little time, till they understood what was the result of the measures adopted against the invaders of Egypt, and whether a few months would not set India free from any danger on account of the French. However, the terms, beyond which the Governor-General did not think as yet of proceeding, were not extravagant. Besides the conditions first meditated, he meant to demand the cession of Canara, a maritime province on the western coast, which appeared to facilitate the communication of Tippoo with the French; but to allow him an equivalent in some other quarter distant from the coast. This, then, in the opinion of the Governor-General, who now felt himself in a condition to enforce any demand, and whose apprehension from French invasion, and the rooted enmity of Tippoo, was then at its height, was all the security, as against Tippoo, which the British interests really required. If nothing followed to create occasion for more security, every addition which was made to the sacrifices exacted of the hated foe, was made either in the spirit of revenge, or from the love of conquest; for no other solution remains.

The Governor-General professes, and with all the marks of sincerity, his expectation to have been, that Tippoo, overawed by the discomfiture of the French fleet in Egypt, by the ascendancy of the English at Hyderabad,

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the strength of the English army, and an English fleet on the coast of Malabar, would accede to the terms which he meant to propose, and that the calamities of war might still be avoided. For the purpose of accelerating measures, whether of a pacific or hostile description, he thought it expedient to be near the scene, and in a letter dated the 10th of December, acquainted the Sultan with his intention of repairing shortly to Madras. He arrived on the 31st of the same month, and found waiting for him an answer from Tippoo.

In the letter of the Sultan, the expressions were not less pacific than those of the Governor-General. He declares the highest satisfaction at the naval victory gained on the coast of Egypt by the English over the French; the former of whom he describes as possessing almost every virtue, the latter every vice. The charge which had been urged by the Governor-General, of soliciting a hostile connexion with the French, he endeavours to answer thus; "In this Sircar (state) there is a mercantile tribe, who employ themselves in trading by sea and land. Their agents purchased a two-masted vessel, and having loaded her with rice, departed with a view to traffic. It happened that she went to the Mauritius, from whence forty persons, French, and of a dark colour, of whom ten or twelve were artificers, and the rest servants, came here in search of employment. Such as chose to take service were entertained, and the remainder departed beyond the confines of this Sircar: and the French, who are full of vice and deceit, have perhaps taken advantage of the departure of the ship to put about reports with the view to ruffle the minds of both Sircars." He then made protestation of his earnest desire to preserve and to strengthen the bands of peace between himself and the Company; described his own occupations as all in the highest degree pacific; and added, "In this case, the allusion to war in your friendly letter, and the following passage, namely, *that prudence required that both the Company and their allies should adopt certain measures of precaution and self-defence*, have given me the greatest surprise." As the proposition of sending to him a deputy, and opening a negotiation, appeared to imply, that new sacrifices were to be exacted of him, he appealed to the existing treaty,

as affording the proper and adequate adjustment of the rights and interests of the contracting parties; and said, "I cannot imagine that means more effectual than these can be adopted, for giving stability to the foundations of friendship and harmony, promoting the security of states, or the welfare and advantage of all parties."[1] This letter the Governor-General regarded as marked by prevarication and falsehood, in respect to his intercourse with the French; and by criminal evasion, in regard to the moderate and amicable proposition for opening a negotiation. He replied, accordingly, by a letter, dated the 9th of January, 1799, in which he described the embassy to the Isle of France; and explicitly declared, that the new engagements into which he affirmed that Tippoo had thus entered with the enemies of the allies, required a new arrangement for their security. He recommended that only one day should be taken to reply to this letter; intimating that dangerous consequences might result from a greater delay.[2] That time might not be wanting for the campaign before the commencement of the rains, was the motive which impelled the Governor-General to hasten; and, beside the established practice, and inveterate habits of Oriental courts, the same circumstance afforded a strong motive to the Sultan to make use of every expedient for delay.

The end of January approached, and an answer from the Sultan had not yet arrived. This was interpreted contempt and obstinacy. It is even assigned as proof of more determined enmity than was previously supposed. The army was now irresistible. "On these grounds," says the Governor-General, "towards the close of the month of January, 1799, my intention was to have required from Tippoo Sultaun, in addition to the terms already stated, the payment of a considerable sum of money, as an indemnification for the expense to which his hostile and treacherous conduct had subjected the allies.[3]

[1] Printed papers, ut supra, No. 8, inclosure, No. 4.

[2] Ibid. No. 5.—M. Despatches, i. 394. It is essential to remark, that the only topic on which an immediate reply is insisted on is Tippoo's consent to receive the English envoy.—W.

[3] Letter from the Governor-General to the Court of Directors, dated 3rd August, 1799, ut supra.—M. On the 16th of January a letter was addressed by Lord Mornington to Tippoo Sultan, forwarding to him one from the Emperor of Turkey, "warning the Sultan against a connexion with the French,

1799. Before the 3rd of February, Lord Mornington received intelligence that Tippoo had had prepared two native vakeels, who, together with one of the French officers who had lately arrived from the Isle of France, were waiting at Tranquebar, to embark on a mission to the Executive Directory of France. This cannot be regarded as a very extraordinary proceeding in a prince who knew that a vast army had been levied against him before any complaint had been preferred, or so much as an explanation asked, of his conduct; and might by himself have been represented, with surely not less plausibility than, by the English, their preparations for attack, as a proceeding purely defensive, and imperiously called for by the dangers with which he was conspicuously threatened.[1] At this time, however, the Governor-General determined to suspend all negotiation, until the united forces of the Company and their allies should, to use his own expressions, "have made such an impression on the territories of Mysore, as might give full effect to our just representations."[2]

On the 3rd of February, his Lordship despatched his commands to General Harris, to enter the territory of Mysore, with the army which had been assembled at Velore, and to General Stuart to co-operate with the Bombay army from Malabar; while at the same time he gave intimation to the allied courts, and the British admiral on the coast, that he now considered the Company as at war with Tippoo Sultan.

Another addition was now made to the severity of the terms. From this time nothing less was to be exacted of the Sultan, than a cession of his maritime provinces in perpetuity to the English; an equal territory on their

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and exhorting him to renounce all intercourse with them," offering also the mediation of the Porte in case of any disagreement between Tippoo and the English. Lord Mornington again urged upon Tippoo the reception of an ambassador "who will be empowered to conclude the definite arrangement of all differences" between the Sultan and the allies. The condition of an answer therefore "in one day," had not been insisted on. In fact, the proposition to send an ambassador had been thrice repeated, and as no answer had arrived by the 3rd of February, the objects of the Sultan could not be misunderstood. It was expressly in anticipation of this policy, and with a view to defeat it, that the Governor-General directed the first movements to be made. Despatches, i. 426.—W.

[1] It was at any rate a proof that he sought to repel those dangers by force, not avert them by conciliation.—W.

[2] Letter, 20th March, 1799, ut supra.

respective frontiers to each of the allies, amounting to about the fourth part of his dominions, and a crore and a half of rupees. But, in the second place, if any decisive advantage should be obtained in the field, or the war should be advanced to the opening of the batteries upon Seringapatam, the General was not to content himself with less than the cession of one whole half of the territories of which the Sultan was in possession at the commencement of the war, the relinquishment of all claim to any of the places on the frontiers of the Company and their allies, about which there was any dispute, and the payment of two crores of sicca rupees. The dismission of all Europeans belonging to any country at war with the English, the renunciation of all connexion with the French, an engagement never to retain any individual of that nation in his service, or even to permit him to reside within his dominions, to receive at his court a permanent ambassador from each of the allies, to keep with each of them an ambassador of his own, and to give up certain forts and hostages as security for the execution of the treaty: these were articles common to this, with the former catalogue of terms.[1]

On the 13th of February, the Governor-General received a letter from Tippoo, in which, after acknowledging the receipt of his letters, he desires, as he is going upon a hunting excursion, in which he frequently indulged, that he would send the deputy (about whom his friendly pen had repeatedly written), slightly attended. This consent, which was sufficiently cold and ungracious, the Governor-General describes, as reluctant and insidious; and he answered it by referring him to General Harris, to whom all his communications were now to be addressed. This answer was even transmitted through that General, who had orders to forward it to the Sultan on the same day on which the army should pass the frontier.

The army, now assembled at Velore, exceeded 20,000 men, whereof 2635 were cavalry, and 4381 Europeans: it was joined, before the commencement of its march, by the whole of the British detachment serving with the Nizam, 6500 strong, by almost an equal number of the

[1] Inclosures A. and B. of the Gov.-Gen.'s Letter to the Commander-in-Chief, dated 22nd January, 1799.—M. See also Despatches, i. 454.—W.

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Nizam's infantry, including a portion of Sepoys lately commanded by the French, but now by British officers, and a large body of cavalry; "an army," than which, says the Governor-General, one "more completely appointed, more amply and liberally supplied in every department, or more perfect in its discipline, and in the acknowledged experience, ability, and zeal of its officers, never took the field in India." The army of the western coast, equal in excellence, assembled at Cananore, under General Stuart, amounted to 6420 fighting men, of whom 1617 were Europeans: and a force, described as considerable, but of which the amount is not specified, under Colonels Read and Brown, were to join or co-operate with the Commander-in-Chief from the southern districts of the Carnatic and Mysore. All this was directed against the chieftain of Mysore, who, six years before, was stripped of one half of his dominions; and left in possession of a territory yielding a revenue of little more than a crore of rupees, or one million sterling; while the revenue of the Anglo-Indian government alone, without speaking of that of its ally, exceeded nine millions. What a mass of talent the petty prince of a petty country must have been supposed to possess![1]

The army of Bombay, under the command of General Stuart, marched from Cananore on the 21st of February; it arrived at the head of the Poodicherrum Ghaut on the 25th of the same month; and took post at Seedapore and Seedasere, on the 2nd of March, where it both protected the large supplies which had been collected in the district of Coorg, and could readily communicate with the main army as it approached to Seringapatam. General Harris entered the Mysore territory on the 5th of March, and commenced his operations by the reduction of several forts upon the frontier; of which none made any considerable resistance; and some made no resistance at all.

At the time when the British General passed the

[1] "The victories of the Marquis Cornwallis (says Col. Beatson, i. 47) had greatly facilitated any future plan of operation against the power of Tippoo Sultaun. By diminishing *his* resources, and increasing *our own*, they had produced a twofold effect. And the extension of our frontier, by the addition of the Barramaul and Salem districts, and a thorough knowledge of the defences of Seringapatam, and of the routes leading to that city, were considered at that moment as inestimable advantages."

eastern frontier of Mysore, Tippoo was supposed to be encamped in the vicinity of Madoor, and was expected to move in the direction of Bangalore, for the purpose of opposing the progress of the army. Having succeeded in raising this expectation, he left his camp near Senapatam, on the 28th of February, taking with him the principal part of his army; and on the morning of the 5th of March, a large encampment was observed by General Stuart, forming between him and Periapatam, a town about seven miles distant from Seedasere. On the morning of the 6th, little intelligence was yet obtained of the amount of the enemy, or the meaning of their appearance; and General Hartley, the second in command, went forward to reconnoitre. From his hill of observation, at day-break, he perceived the whole of the hostile force in motion; the country, however, was covered with jungle; the atmosphere was hazy, and it was impossible to judge correctly either of their numbers or object. Between the hours of nine and ten, the enemy had penetrated with so much secrecy and expedition through the jungle, that they attacked the front and rear of the British advanced position at almost the same instant.

The nature of the country had induced General Stuart to place the army in several divisions. Three native battalions, under Colonel Montresor, were posted at Seedasere, to which another battalion was added, after the appearance of the enemy on the 5th: the main body of the army, with the park and provisions, remained at Seedapore and Ahmootenar, the first eight miles, the latter twelve, in rear of the advanced position. General Hartley remained to aid in repelling the attack. The best position of which the circumstances admitted, was assumed; and this body of Sepoys, though completely surrounded, and contending not only with a great disparity of numbers, but other unfavourable circumstances, defended themselves with such determined gallantry, that the Sultan's troops were unable to break them. The General hastened forward with the rest of the army, excepting the fourth corps, which, being posted at some distance in the rear, was intercepted by a column of the enemy, and unable to join. It was not till half-past two, however, that he arrived in sight of the division of the enemy which had penetrated to the rear. It

BOOK VI. CHAP. VIII. withstood and answered a brisk fire of musquetry, for about half an hour; but then fled with precipitation through the jungles, to join the rest of the army to which it belonged. The General now advanced to join Montresor and his brave companions. The men had for more than six hours been engaged with a superior enemy; were spent with fatigue; and their ammunition was almost exhausted. The advance of the troops with the General was the signal for the enemy to intermit the attack, which till this time they had upheld in front; and at twenty minutes past three they were retiring in all directions. General Stuart, apprehending a return of the enemy, which might place them in his rear, and perhaps in possession of the great magazine of rice collected by the Coorg Raja,[1] deemed it of more importance to concentrate his army at Seedapore, than to maintain the position of Seedasere, which was chiefly useful, as the only spot from which the signals, concerted between the two armies, could be observed. The killed, wounded, and missing, according to the regimental returns, in the British army, were only 143. The loss of the enemy was no doubt considerable. Tippoo remained in his camp at Periapatam till the 11th, desiring, but afraid, to strike a second blow; and arrived at Seringapatam on the 14th, whence he hastened to meet the army approaching from the east.

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So little, in truth, did the Governor-General respect the power of the Sultan, that the plan upon which he determined implied a confidence in the inability of that prince to offer almost any obstruction to the army which was sent to destroy him. It was planned, that it should not wait to reduce any of the intermediate forts between the frontier and the capital of the Sultan, or to form a clear line of communication, but march directly upon Seringapatam, and by a single blow terminate the contest.

The Governor-General, amid the talents for command which he possessed in a very unusual degree, displayed two qualities of primary importance: he has seldom been surpassed in the skill with which he made choice of his instruments: and having made choice of his instruments,

[1] The Raja accompanied General Stuart, and was present with him in the battle; which he described with vast admiration, in a letter to the Governor-General, quoted by Col. Wilks.

he communicated to them, with full and unsparing hands, the powers which were necessary for the end they were employed to accomplish. General Harris was not only invested with unrestricted military powers, but was authorized to exert all the civil authority which would have belonged to the Governor-General himself, in his situation. His instructions embraced the two sets of terms, to which, in two events, the Governor-General determined, upon the march of the army, to elevate his demands. And he was further provided with a political and diplomatic commission. This was composed of the Honourable Colonel Wellesley, Lieutenant-Colonel Close, Lieutenant-Colonel Agnew, and Captain Macaulay as their secretary. The commission was not entitled to act, except in obedience to the orders of the General.[1]

The army was not ready to make its first united movement on the enemy's ground before the 9th of March; within one day of the time which the Commander, in his orders to General Stuart, had described, as the latest moment at which he could with safety arrive at Seringapatam. The British army was overloaded with equipments: it carried an enormous train of battering cannon for the siege of Seringapatam; it required a prodigious mass of vehicles for the provisions and stores of a campaign to be carried on without an open line of communication; to all this was added the cumbrous baggage of the Nizam's army, a host of brinjarries, and the innumerable followers of the camp. No sufficient measures were prepared for the orderly movement of this vast, unwieldy machine. Colonel Wilks alleges that such measures were impossible. If so; either this was one of the most rash and hazardous expeditions that ever was undertaken; or the British leaders must have counted upon a wonderful inferiority, either of means or of understanding, on the part of their foe. Assuredly, had an enemy, with any thing like an adequate force, employed himself with any considerable degree of activity and skill, in making war upon the movement of this disorderly mass, which it was by no means possible to cover with the troops, it is hardly probable that he would not have retarded it till the commencement of the rains; and so

[1] For a full account of the objects of the commission. See Letter to General Harris, 22nd Feb. 1799. Despatches, i. 442.—W.

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harassed the infantry, and worn out the cavalry, that a great portion of the baggage, stores, and ammunition would have fallen into his hands. The great thing to be dreaded, in marching at once to Seringapatam, without regard to the communication behind, was famine. This evil was all but incurred; and nearly the whole of the draught and carriage bullocks died, though the arrival of the army was probably not retarded a single day by the efforts of the enemy.

So great was the confusion, even on the first day's march, that the army halted on the 11th, to see if a remedy could in any degree be applied. It moved on the 12th, but with so little improvement, that it halted again on the 13th.

From Bangalore, within sight of which, now dismantled, the army encamped on the 14th, there were three roads by which it could march upon Seringapatam. The expectation of the enemy was, that the British would occupy and repair Bangalore, form a line of communication in the same manner as before, and advance by the middle and shortest of the roads.

The confusion of the march was so great, that the British army halted a third time on the 15th; and destroyed as much of the mass of stores as it was supposed that by any possibility the exigencies of the service would allow. On the 18th, it again halted a fourth day; and "the loss of powder, shot, and other military stores, had already been so considerable, as to excite some degree of alarm, at this early period of the campaign."[1]

Of the roads leading to Seringapatam, the Southern, by Kaunkanhully, was that selected for the advance of the British army; and so well had the design been disguised, that while the forage on the expected route had been completely destroyed, it was still preserved upon this. No memorable incident occurred from the time when the army entered the Kaunkanhully route on the 16th, till it reached the tanks at Achel, between Kaunkanhully and Sultanpet. These tanks were of so much importance, that "the destruction of them," says Colonel Wilks, "in 1791, had compelled Lord Cornwallis to make the longer march, the injurious effects of which, on his exhausted cattle,

[1] These are the words of two distinguished officers of the same army; Beatson, p. 65, and Wilks, iii. 407.

were sensibly and severely felt during the remainder of the campaign." Of a similar destruction, that intelligent officer adds, "the consequences on this occasion would have been still more injurious than those experienced in 1791." It was by the merest accident, that this fatal event was prevented. A detachment sent forward on the night of the 21st, arrived not till the breaches were made in the embankment, and were just in time to save the total loss of the waters.

When the Sultan, after his return from the attack upon General Stuart, left his capital to meet the advancing army, he made his first movement on the middle road, but being soon made acquainted with its true direction, he deviated by his right to Malvilly, and encamped on the 18th, at the Madoor river, where he was joined by the two corps of his army, which had been left during his absence to hang upon the British line. "The southern road," says Colonel Wilks, "from this river, to the point where General Harris first entered it, presented numerous situations where the advance of the British army might have been obstructed, and at least materially delayed, by steady troops, without any risk of disaster to themselves." What is more remarkable, Tippoo, as we are told by the same high authority, "after examining and occupying the finest imaginable position for opposing the passage of the river in front, and placing beyond it a strong corps to operate at the same time on his enemy's right flank, from very advantageous ground, with an open rear and a secure retreat from both positions, abandoned the intention of giving battle on this ground;" and determined to fight on ground, about two miles from Malvilly, which, among other advantages gratuitously bestowed on his enemy, gave them, during the intended action, the most convenient cover for their unwieldy impediments."

The slow movement of the English brought them to the Madoor river on the 24th, where they learned the particulars of the march which had been made by the Sultan upon General Stuart; and on the evening of the 27th, on approaching the intended ground of encampment to the westward of Malvilly they espied the army of the Sultan, at a few miles' distance, drawn up on a height. As the first grand object of the General was, to carry his equip-

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ments safe to the walls of Seringapatam, he determined neither to seek nor avoid an action. The advanced piquets, however, being attacked by the enemy, and more troops being sent to their aid, a general action came on. The British army under General Harris formed the right wing; the Nizam's army with the 33rd regiment, under Colonel Wellesley, formed the left. On the right wing, which had deployed into line, and begun to advance, an opening between two brigades, produced by the ground, tempted the Sultan. He advanced in person with a body of cavalry, till in the very act to charge. The effort was against the Europeans; coolly directed; and executed with so much spirit, that many of the horsemen fell on the bayonets. But it produced not so much as a momentary disorder in the ranks; and the line advancing in such a manner as to outflank the enemy's left, his guns were soon after withdrawn from the heights. The cushoons of the Sultan faced Colonel Wellesley with some steadiness, till within sixty yards, when, the 33rd regiment quickening step, they gave way; and Colonel Floyd, seizing the critical moment, charged them with his cavalry, and destroyed them to a man. The efficient state of the Sultan's equipments, and the deplorable state of the British, admitted not an idea of pursuit. The loss of the English was sixty-nine men, that of the Sultan, more than a thousand.

Immediately after this injudicious affair, the Sultan marched, with a design to place himself on the rear of General Harris, during the remainder of his march to Seringapatam. But he expected him to advance on the same road which had been taken by Lord Cornwallis in 1791. As it was anticipated that the forage on this road would be completely destroyed, the project had for some time been contemplated of crossing the Cavery at Sosilla, about fifteen miles east of Seringapatam, if the ford, upon examination, should appear to be practicable. The success was complete, and the battering train, with the last of the army, was over on the 30th, while the enemy was at a distance, looking for them in a different direction. This last disappointment struck a damp to the heart of the Sultan. Having received the whole of his principal officers, "We have arrived," said he, "at our last stage; what is your determination?" "To die along with you," was the

unanimous reply.[1] It was the opinion of this meeting of Tippoo and his friends, that General Harris would not make his attack on the southern side of the fort, but would cross over into the island. The determination was, to meet him on his route, and find either victory or death. The Sultan and his friends took a most affecting leave, as if for the last time in this world, and all were bathed in tears. It was easy for the Sultan, whose equipments were in order, to anticipate the approach of the English. He crossed at the ford of Arakerry, and took up the intended position near the village of Chendgâl. It was not, however, the intention of the English General to cross into the island; and when, instead of pointing to the fords, he made a circuit to the left, to avoid some inconvenient marching, and reach the ground occupied by General Abercromby in 1792, the Sultan, whose dispositions were not calculated for such a movement, ventured not to make opposition; and the English army took up its ground for the siege of the capital, on the 5th day of April, exactly one month after it passed the enemy's frontier; having advanced at the rate of not seven miles a day on enemy's ground, and not five miles a day from the commencement of its march.

A new line of intrenchments had been constructed on this side of the fort, which, reaching from the Dowlut Baug to the Periapatam bridge, and within six or seven hundred yards of the walls, avoided the fault of the redoubts in 1792, distant too far to be supported by the guns of the fort. Between these works and the river, the infantry of Tippoo was now encamped. To save the British camp from annoyance, and advance some posts, an attack was ordered the same evening under Colonels Wellesley and Shaw, on the part of the enemy, occupying a water-course in front. It failed, not without loss.[2] But

[1] Wilks, iii. 414.

[2] This affair, of no great importance at the time, had risen into some interest by circumstances said to have been connected with it, and the celebrity of the first-named of the officers employed. As stated by Col. Gurwood, it was thus: "Both divisions marched a little after sunset. The darkness of the night was very unfavourable to their advance. Col. Shawe seized a ruined village within forty yards of the aqueduct. Colonel Wellesley, advancing at the same time with one wing of the 33rd regiment to attack the Tope, was, upon entering it, assailed on every side by a hot fire of musquetry and rockets. This circumstance, joined to the extreme darkness of the night, the badness of the ground, and the uncertainty of the enemy's position, were inducements to confine the operations to the object of causing a diversion to Col. Shaw's attack, and to postpone any further attempt until a more favourable opportunity should occur. Dispatches of the Duke of Wellington, i. 23. General Har-

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next morning a force was sent, which the party of the enemy could not resist; and strong advanced posts were established within 1800 yards of the fort, with their left on the river, and their right on Sultanpet.

On the 6th, General Floyd, with four regiments of cavalry, and the greater part of the left wing of the army, marched for the purpose of bringing on General Stuart; a proceeding, which the cavalry and part of the infantry of the Sultan marched at the same time to impede. The junction was made on the 14th; the active and well-conducted exertions of the Sultan's cavalry having produced no other effect than the necessity of a little more caution, and a little more time. And on the next day the Bombay army, having crossed the river to the north, occupied a ground in continuation of the line of General Harris, with a view particularly to the enfilade both of the face to be attacked, and the exterior trenches.

On the 9th, Tippoo, who had not before made any answer to the letter of the Governor-General, forwarded to him when the army crossed his frontier, sent to General Harris a letter, of which the following is a translation:

"The Governor-General, Lord Mornington, Bahauder, sent me a letter, copy of which is enclosed: you will understand it. I have adhered firmly to treaties: what then is the meaning of the advance of the English armies, and the occurrence of hostilities? Inform me.—What need I say more?"

The British commander replied in the following terms:

"10*th April*, 1799.

"Your letter, enclosing copies of the Governor-General's letter, has been received. For the advance of the English and allied armies, and for the actual hostilities, I refer you to the several letters of the Governor-

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ris's account, from his private diary, runs thus: 6th April.—Remained under great anxiety until near twelve at night, from the fear our troops had fired on each other. Near twelve, Col. Wellesley came to my tent, in a good deal of agitation, to say that he had not carried the Tope. It proved that the 33rd, with which he attacked, got into confusion, and could not be formed, which was a great pity, as it must be particularly unpleasant to him. Life of Lord Harris, i. 295. On the following day the attack upon the Tope was renewed, under the command of Col. Wellesley, and the post was carried in less than twenty minutes. Ibid. 297.—W.

General, which are sufficiently explanatory on the subject."

On the 16th was made an alarming discovery. The General, in his letter to Lord Mornington, dated the 18th, says: "On measuring the bags, to ascertain what rice they really contained, they were found so much diminished by loss or fraud, that eighteen days' provision, *for the fighting men*, at *half allowance*, is all that remains in camp. Our supplies must, therefore, arrive before the 6th of May, to save us from extreme distress." [1]

On the 17th, operations of considerable importance, less difficult because simultaneous, were accomplished on both sides of the river. The enemy were dislodged from a ground commanding that which was intended for the approaches and batteries of General Stuart; the troops were established under a good cover within 1000 yards of the western angle of the fort; and while the enemy's attention was engaged with these operations, the bed of a water-course was seized on the southern side, which formed a parallel at an equal distance from the fort.

The state of the grain constituted now an object of the greatest solicitude, and every thing was to be done for the purpose of hastening the arrival of the two corps, which were expected to bring a supply from Coimbetore and Baramahl. To conduct them, General Floyd marched on the 19th toward the Caveriporam pass, with the whole of the regular cavalry, the whole of Nizam Ali's cavalry, and and a brigade of infantry, followed by all the brinjarries, and all the superfluous followers of the camp.

The 20th produced several events. A battery opened from the northern bank on the enfilade of the south-western face, and of the enemy's intrenchment on the southern side of the river The enemy were dislodged

[1] In the Diary of General Harris the circumstances are thus recorded. "16th. I am sorry to add, that this day, on measuring our rice, to ascertain the exact quantity in store, we discovered, that, from loss or fraud, the bags were so extremely deficient, that only eighteen days' rice, at half allowance, is in camp for the fighting men. Unless Col. Reade's supplies arrive before the 6th of May, the army will be without provision. There is plenty in the Coorg country, but we have no means to convey or escort it hither; but I hope to be in Seringapatam before the end of the month. Life of Lord Harris, 315. The alarm of the General seems, however, to have been unnecessary. According to Munro, there was no want of grain in the camp, although the public stock was low. "The public grain of the army would only have lasted till the 7th, but a quantity sufficient to last fifteen days longer, was discovered in the possession of dealers who had brought it on for sale. Life of Munro, i. 212.

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from a position 400 yards in advance of their general intrenchments; and a parallel was established on the spot within 780 yards of the fort. In the evening, the following letter from the Sultan was received in camp:

"In the letter of Lord Mornington, it is written, that the clearing up of matters at issue is proper, and that therefore you, having been empowered for the purpose, will appoint such persons as you judge proper for conducting a conference, and renewing the business of a treaty. You are the well-wisher of both Sircars. In this matter what is your pleasure? Inform me, that a conference may take place."

On the 22nd, General Harris replied by a letter, stating, that security, not conquest, was the object of the English government, to whose pacific propositions he complained that Tippoo had hitherto refused to listen; and transmitted the draught of a preliminary treaty, drawn up according to the second and severest set of terms contained in the Governor-General's instructions.

In the situation to which affairs were now reduced, the annexation of the following severities was deemed advisable. That four of the Sultan's sons, and four of his generals, to be named by the British commander, should be given up as hostages. That acceptance of these conditions should be transmitted under his hand and seal within twenty-four hours; and the hostages, and one crore of rupees, be delivered in forty-eight. And that if these pledges were not given, the British commander would hold himself at liberty to extend his demands for security, even to the possession of the fort of Seringapatam, till the conclusion of a definitive treaty.

It was the instruction of the Governor-General, that the set of terms now put in the shape of a treaty should be sent just before the opening of the batteries upon the fort of Seringapatam. But the advanced period of the season, and the failure of provisions, when nothing but possession of the fort could, in the opinion of General Harris, justify him in the delaying the siege for an instant, made him deem it hazardous to be the leader in an overture toward peace. The sentiments to which the Governor-General was brought by the progress of events are thus described in his own words. "Towards the end of April, fresh circum-

stances arose, which disposed me to think, that if the course of the war should favour the attempt, it would be prudent and justifiable entirely to overthrow to power of Tippoo. Accordingly, on the 23rd of April, I signified to Lieutenant-General Harris my wish, that the power and resources of Tippoo Sultan should be reduced to the lowest state, and even utterly destroyed, if the events of the war should furnish the opportunity." [1]

On the night of the 24th, the approaches to the fort were advanced 250 yards. On the 25th, a battery of four guns was erected to destroy the defences of some works which bore on the assailants; and it opened with considerable effect on the morning of the 26th. The enemy's guns were now almost wholly silenced. On the evening of the same day, the enemy's intrenchments, in advance, were attacked; and carried, after an obstinate contest, which lasted a great part of the night. This acquisition was important, because it furnished the ground on which the breaching batteries were to be erected. The British troops occupied the works on the 27th; and in the following night made their lodgment secure.

On the morning of the 28th, another letter arrived from the Sultan, intimating the magnitude of the questions to be determined, and signifying his intention to send two persons, for the immediate commencement of a conference, without which an adjustment of so much importance could not be satisfactorily performed. To this the General replied, that no modification would be made of the terms already transmitted; that ambassadors were, therefore, unnecessary, and would not be received, unless they were accompanied by the hostages and specie, already demanded; and that only till three o'clock the next day would time be allowed for an answer.

A breaching battery of six guns was erected on the night of the 28th; and on the morning of the 30th it began to fire. On the first day it demolished part of the the outward wall at the west angle of the fort, and made an impression on the masonry of the bastion within it. On the second its fire was attended with increased effect. An additional battery, constructed on the night of April the 30th, opened in the morning of the 2nd of May. On

[1] Letter to Directors, 3rd August, 1799, ut supra.

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the 3rd, the breach appeared to be practicable, and preparations were eagerly made for the assault. On the morning of the 4th, the troops destined for the service were placed in the trenches before day-light, that no extraordinary movement might serve to put the enemy on their guard. The heat of the day, when the people of the East, having taken their mid-day repast, give themselves up to a season of repose, and when it was expected that the troops in the fort would be least prepared to resist, was chosen for the hour of attack. Four regiments and ten flank companies of Europeans, three corps of grenadier sepoys, and 200 of the Nizam's troops, formed the party for the assault. Colonels Sherbrooke, Dunlop, Dalrymple, Gardener, and Mignan, commanded the flank corps; and the conduct of the enterprise was intrusted to Major-General Baird, who had solicited the dangerous service. At one o'clock the troops began to move from the trenches. The width, and rocky channel of the river, though at that time it contained but little water, its exposure to the fire of the fort, the imperfection of the breach, the strength of the place, the numbers, courage, and skill of its defenders, constituted such an accumulation of difficulties, that nothing less than unbounded confidence in the force and courage of his men could have inspired a prudent General with hopes of success. The troops descended into the bed of the river, and moved, regardless of a tremendous fire, towards the opposite bank.

From the time when General Harris sat down before the fort, the Sultan had remained on the ramparts, varying his position according to the incidents of the siege. The general charge of the angle attacked, was given to Seyed Saheb, and Seyed Goffhâr, the last, an able officer, who began his career in the English service, and was in the number of the prisoners at the disaster of Colonel Brathwaite.

The angle of the fort which the English attacked was of such a nature, that a entrenchment to cut it off might have been easily effected; and this was counselled by the most judicious of the Mysorean officers. But the mind of the Sultan, which was always defective in judgment, appears to have been prematurely weakened by the disadvantages of his situation. By the indulgence of arbitrary

power, and the arts of his flatterers, his mind was brought into that situation in which it could endure to hear nothing but what gratified the will of the moment. He had accordingly estranged from his presence every person of a manly character; and surrounded himself with young men and parasites, who made it their business not only to gratify his most childish inclinations, but to occupy him with a perpetual succession of wretched pursuits. He seems, therefore, when adversity came upon him, to have been rendered too effeminate to look it steadily in the face; and exploring firmly the nature of the danger, to employ in the best manner the means which were in his power for averting it. The flatterers were able to persuade him, partly that the fort was too strong to be taken, partly that God would protect him; and they maintained successfully that indecision which was now congenial to the relaxed habit of his mind. "He is surrounded," said Seyed Goffhâr, who was wounded early in the siege, "by boys and flatterers, who will not let him see with his own eyes. I do not wish to survive the result. I am going about in search of death, and cannot find it."

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On the morning of the 4th, Seyed Goffhâr, whom from the number of men in the trenches inferred the intention to assault, sent information to the Sultan. The Sultan returned for answer, that it was good to be on the alert, but assured him, as persuaded by the flatterers, that the assault would not take place till night. And in the meantime he was absorbed in religious and astrological operations; the one, to purchase the favour of heaven; the other, to ascertain its decrees. Seyed Goffhâr," says Colonel Wilks, "having satisfied himself, by further observation, that one hour would not elapse before the assault would commence, hurried in a state of rage and despair towards the Sultan: 'I will go,' said he, 'and drag him to the breach, and make him see by what a set of wretches he is surrounded; I will compel him to exert himself at this last moment.' He was going, and met a party of pioneers, whom he had long looked for in vain, to cut off the approach by the southern rampart 'I must first,' said he, 'show those people the work they have to do;'

BOOK VI. CHAP. VIII. and in the act of giving his instructions, was killed by a cannon-shot."[1]

1799. The Sultan was about to begin his mid-day repast under a small tent, at his usual station, on the northern face, when the news was brought him of the death of Seyed Goffhâr, and excited strong agitation. Before the repast was finished, he heard that the assault was begun. He instantly ordered the troops that were about him, to stand to their arms, commanded the carbines to be loaded, which the servants in attendance carried for his own use, and hurried along the northern rampart to the beach.

"In less than seven minutes from the period of issuing from the trenches, the British colours were planted on the summit of the breach." It was regulated, that as soon as the assailants surmounted the rampart, one half of them should wheel to the right, the other to the left, and that they should meet over the eastern gateway. The right, which was led by General Baird, met with little resistance, both as the enemy, lest retreat should be cut off, abandoned the cavaliers, and as the inner rampart of the south-western face was exposed to a perfect enfilade. The assailants on the left were opposed in a different manner. Lieutenant-Colonel Dunlop, by whom it was commanded, received a wound in the ascent; and the Sultan passed the nearest traverse, as the column quitted the breach. A succession of well-constructed traverses were most vigorously defended; and a flanking fire of musquetry, from the inner rampart, did great execution upon the assailants. All the commissioned officers, attached to the leading companies, were soon either killed or disabled; and the loss would, at any rate, have been great, had not a very critical assistance been received. When the assailants first surmounted the breach, they were not a little surprised by the sight of a deep, and, to appearance, impassable ditch between the exterior and interior lines of defence. A detachment of the 12th regiment, having discovered a narrow strip of the terre-plein, left for the passage of the workmen, got up the inner

[1] Hist. Sketches, iii. 436, 437. For the interior history of the Mysoreans, at this time, Col. Wilks, who afterwards governed the country, enjoyed singular advantages; and we may confide in his discrimination of the sources and qualities of his information.

rampart of the enfiladed face, without much opposition; and, wheeling to the left, drove before them the musqueteers who were galling the assailants of the left attack, and they at last reached the flank of the traverse, which was defended by the Sultan. The two columns of the English, on the outer and inner rampart, then moved in a position to expose the successive traverses to a front and flank fire at the same time; and forced the enemy from one to another, till they perceived the British of the right attack, over the eastern gate, and ready to fall upon them in the rear; when they broke and hastened to escape. The Sultan continued on foot during the greater part of this time, performing the part rather of a common soldier, than a general, firing several times upon the assailants with his own hands. But a little before the time at which his troops resigned the contest, he complained of pain and weakness in one of his legs, in which he had received a severe wound when young, and ordered a horse. When abandoned by his men, instead of seeking to make his escape, which the proximity of the water-gate would have rendered easy, he made his way toward the gate into the interior fort. As he was crossing to the gate by the cemmunication from the outer rampart, he received a musquet-ball in the right side, nearly as high as the breast, but still pressed on, till he arrived at the gate. Fugitives, from within, as well as from without, were crowding in opposite directions to this gate; and the detachment of the 12th had descended into the body of the place, for the purpose of arresting the influx of the fugitives from the outer works. The two columns of the assailants, one without the gate, and one within, were now pouring into it a destructive fire from both sides, when the Sultan arrived. Endeavouring to pass, he received another wound from the fire of the inner detachment; his horse also, being wounded, sunk under him, and his turban fell to the ground, while his friends dropped rapidly around him. His attendants placed him in his palankeen, but the place was already so crowded, and choked up with the dead and the dying, that he could not be removed. According to the statement of a servant who survived, some English soldiers, a few minutes afterwards, entered the gateway; and one of them offering to

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pull off the sword-belt of the Sultan, which was very rich, Tippoo, who still held his sabre in his hand, made a cut at him with all his remaining strength. The man, wounded in the knee, put his firelock to his shoulder, and the Sultan, receiving the ball in his temple, expired.

The two bodies of assailants, from the right and the left had met over the Eastern gateway; and the palace was the only place within the fort not now in their possession. In this the faithful adherents of Tippoo, whose fate was yet unknown, were expected to make a desperate stand in defence of their sovereign and his family. The troops, exhausted by the heat and the toils of the day, stood in need of refreshment. In the mean-time Major Allan was sent with a guard to inform the persons within the palace, that if they surrendered immediately their lives should be secured; that any resistance, on the other hand, would be fatal to them all. When that officer arrived at the palace, before which a part of the British troops were already drawn up, he observed several persons in the balcony, apparently in the greatest consternation. Upon communicating his message, the Kelledar, another officer of distinction, and a confidential servant, came over the terrace of the front building, and descended by an unfinished part of the wall. They exhibited great embarrassment, and a disposition to delay; upon which the British officer reminded them of their danger, and pledging himself for the protection of the inmates of the palace, desired admittance, that he might give the same assurance to the Sultan himself. They manifested strong aversion to this proposition; but the Major insisted upon returning with them; and desiring two other officers to join him, they ascended by the broken wall, and lowered themselves down on a terrace, on which there was a number of armed men. The Major, carrying a white flag in his hand, which he had formed on the spur of the occasion by fastening a cloth to a serjeant's pike, assured them it was a pledge of security, provided no resistance was attempted: and as an additional proof of his sincerity took off his sword, which he insisted upon placing in the hands of the Kelledar. All affirmed that the family of the Sultan was in the palace, but not the Sultan himself. Their agitation and indecision were conspicuous. The Major was obliged to remind them,

that the fury of the troops, by whom they were now surrounded, was with difficulty restrained; and that the consequences of delay would be fatal. The rapid movements of several persons within the palace, where many hundreds of Tippoo's troops still remained, made him begin to think the situation critical even of himself and his companions, by whom he was advised to take back his sword. As any suspicion, however, of treachery, reaching in their present state the minds of the British soldiers, would inflame them to the most desperate acts, probably the massacre of every human being within the palace walls, he had the gallantry, as well as the presence of mind to abstain from such an exhibition of distrust. In the mean time, he was entreated by the people on the terrace to hold the flag in a conspicuous manner, as well to give confidence to the people within the palace, as to prevent the British troops from forcing the gates. Growing impatient of delay, the Major sent another message to the Princes. They now sent him word, that he would be received as soon as a carpet for the purpose could be procured; and in a few minutes the Kelledar returned to conduct him.

He found two of the Princes seated on the carpet, surrounded by attendants. "The recollection," says Major Allen, "of Moiz ad Dien, whom on a former occasion I had seen delivered up with his brother, hostages to Lord Cornwallis; the sad reverse of their fortune; their fear, which, notwithstanding their struggles to conceal it, was but too evident, excited the strongest emotions of compassion in my mind." He endeavoured by every mark of tenderness, and by the strongest assurances of protection and respect, to tranquillize their minds. His first object was, to discover where the Sultan was concealed. He next requested their consent to the opening of the gates. At this proposition they were alarmed. Without the authority of their father, whom they desired to consult, they were afraid to take upon themselves a decision of such unspeakable importance. The Major assured them, that he would post a guard of their own sepoys within the palace, and a guard of Europeans without; that no person should enter but by his authority; that he would return and remain with them, until General Baird should arrive;

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and that their own lives, as well as that of every person in the palace, depended upon their compliance. Their confidence was gained. Upon opening the gate, Major Allan found General Baird and several officers with a large body of troops assembled. It was not safe to admit the troops, who were burning for vengeance. And Major Allan returned to conduct the Princes, whose reluctance to quit the palace was not easy to be overcome, to the presence of the General. General Baird was one of those British officers who had personally experienced the cruelty of their father, and suffered all the horrors of a three years' imprisonment in the place which he had now victoriously entered. His mind too had been inflamed by a report at that instant received, that Tippoo had murdered all the Europeans made prisoners during the siege. "He was nevertheless," says Major Allan, "sensibly affected by the sight of the Princes; and his gallantry on the assault was not more conspicuous than the moderation and humanity which he on this occasion displayed. He received the Princes with every mark of regard: repeatedly assured them that no violence or insult should be offered to them, and he gave them in charge to two officers to conduct them to head quarters in camp." They were escorted by the light company of a European regiment; and the troops were ordered to pay them the compliment of presenting arms as they passed.

The mind dwells with peculiar delight upon these instances in which the sweet sympathies which one human being has with another, and which are of infinite importance in private life, prevail over the destructive passions, alternately the cause and consequence of war. The pleasure, at the same time, which we feel in conceiving the emotions produced in such a scene, lead the bulk of mankind to overvalue greatly the virtues which they imply. When you have glutted upon your victim the passions of ambition and revenge; when you have reduced him from greatness and power, to the weakness and dependence which mark the insect on which you tread, a few tears, and the restraint of the foot from the final stamp, are not a very arduous virtue. The grand misfortune is to be made an insect. When that is done, it is a slight, if any addition to the misfortune to be crushed

at once. The virtue to which exalted praise would be due, and to which human nature is gradually ascending, would be, to restrain in time the selfish desires which hurry us on to the havoc we are vain of contemplating with a sort of pity after we have made it. Let not the mercy, however, be slighted, which is shown even to the victim we have made. It is so much gained for human nature. It is a gain which, however late, the progress and diffusion of philosophy at last have produced; they will in time produce other and greater results.

When the persons of the Princes were secured, Tippoo was to be searched for in every corner of the palace. A party of English troops were admitted, and those of Tippoo disarmed. After proceeding through several of the apartments, the Kelledar was entreated, if he valued his own life, or that of his master, to discover where he was concealed. That officer, laying his hand upon the hilt of Major Allan's sword, protested, in the most solemn manner, that the Sultan was not in the palace; that he had been wounded during the storm; and was lying in a gateway on the northern side of the fort. He offered to conduct the inquirers; and submit to any punishment if he was found to have deceived. General Baird and the officers who accompanied him, proceeded to the spot; covered with a promiscuous and shocking heap of bodies wounded and dead. At first, the bodies were dragged out of the gateway to be examined, it being already too dark to distinguish them where they lay. As this mode of examination, however, threatened to be very tedious, a light was procured, and Major Allan and the Kelledar went forward to the place. After some search, the Sultan's palankeen was discovered, and under it a person wounded, but not dead. He was afterwards ascertained to be the Raja Khan, one of Tippoo's most confidential servants, who had attended his master during the whole of the fatal day. This person being made acquainted with the object of the search, pointed out the spot where the Sultan had fallen. The body being brought out and sufficiently recognised, was conveyed in a palankeen to the palace. It was warm when first discovered; the eyes were open, the features not distorted, and Major Allan and Colonel Wellesley were for a few moments doubtful, whether it was

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not alive. It had four wounds, three in the trunk, and one in the temple, the ball of which, having entered a little above the right ear, had lodged in the cheek. His dress consisted of a jacket of fine white linen, loose drawers of flowered chintz, the usual girdle of the east, crimson-coloured, tied round his waist; and a handsome pouch, with a belt of silk, red and green, hung across his shoulder. He had an amulet on his arm; but his ornaments, if he wore any, were gone.[1]

The speedy fall of the place was an event of great importance to the British army; for though the General had received a casual supply of provisions from an officer whose foresight exceeded that of the men who provided for the army, this afforded a supply for not more than a small number of days. The want of draught cattle rendered the magazines in the Coorg country totally useless: and though the General counted upon being in absolute want by the 6th of May, General Floyd did not return before the 13th with the convoys from the south. Of the operations which during the above transactions had taken place under the officers with whom General Floyd now returned to Seringapatam, the following are the principal. The corps which was placed under the command of Colonel Reade began by reducing the country north of Rayacottah. The plan of his operations embraced a great extent; but after a little progress he was apprized of the necessity of abandoning everything to hasten with the grain which he had collected to Seringapatam. The troops under Colonel Brown began the campaign with the siege of Caroor, which surrendered to them without any serious resistance on the 5th of April. On the 8th they proceeded against Errode, and meant to prosecute the reduction of the remaining fortresses in Coimbetore, when they were summoned to join Colonel Reade, for the purpose of advancing to Seringapatam.

Colonel Reade arrived at Cauveryporam, on the 22nd of April, which surrendered to him without resistance. Having there collected the Brinjarries, and other supplies, he left them under the protection of the fort, and with

[1] See Major Allan's own account of the scenes at the palace, and the gateway; annexed (Appendix 42) to Beatson's View of the War with Tippoo Sultaun.

his detachment proceeded to clear the pass. This was an operation of considerable difficulty, which required all his exertions till the evening of the 27th; and the 6th of May arrived before the whole of the Brinjarries had ascended. General Floyd had by this time arrived at a place a few miles distant from the pass; and on the same day he was reinforced by junction of the southern corps of the army under Colonel Brown. On the 7th of May, the whole body, with their convoy, moved from Hannoor towards Seringapatam. As Tippoo's cavalry, under his best General, had closely followed General Floyd from Seringapatam, he expected to meet with considerable interruption to retard him on his return; and from this danger he was saved, only by the great event which had already arrived.

Such of the sons and officers of Tippoo as were not taken in the fort, surrendered within a few days after the fate of the capital and its sovereign was known; and an adventurer of the name of Dhoondia was the only exception to the quiet submission of the whole country. This man, of Mahratta parentage, was born in the kingdom of Mysore, and served in the armies both of Hyder and Tippoo. He deserted during the war with Lord Cornwallis; and headed a predatory band in the region of the Toombudra. Tippoo induced him by fair professions to trust himself in his hand, and then immured him in a prison, where he had lain for several years, when he contrived to make his escape during the capture of Seringapatam; and soon collected around him a band of desperate adventurers; which rendered it necessary for General Harris to move the army to the northward to dislodge him. This, however, was not the last effort of Dhoondia, whose history it is proper to finish at once. He was followed by his band of adventurers to the south; and made such rapid strides towards the establishment even of a sort of empire, that after a little time the government thought it proper to employ against him the army left under Colonel Wellesley for the government of Mysore. Dhoondia, displayed no ordinary talents in his defence; and by his activity and judgment, protracted for several months the efforts employed for his destruction. He could not, however, permanently resist the great superiority of force which was brought against him; and fell

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1799. The Sultan, when he lost his empire and his life, was about fifty years of age. He was rather above the middle size, and about five feet eight inches high; had a short neck and square shoulders, and now bordered on corpulency; but his limbs were slender, and his feet and hands remarkably small. His complexion was brown, his eyes large and full, his eyebrows small and arched, his nose aquiline; and in the expression of his countenance there was a dignity, which even the English, in spite of their antipathy and prejudices, felt and confessed.

Though French power was the grand resource upon which Tippoo relied, both for the gratification of his resentments, and for his protection against that reduction to the condition of a pensioned Nabob, the fate to which he believed that he was destined by the English, he made some efforts, but marked with his usual want of good sense, for obtaining support from other quarters. Beside his embassy to the Grand Signor at Constantinople, which excited, without much deserving, the attention of the English, he opened a communication in 1796 with Zeman Shah, the King of the Afghans, and sent an embassy which pointed out to that brother of the faith a glorious career against the nonbelievers or misbelievers of India. The Shah might conquer Delhi, drive out the Mahrattas, and establish his dominion over all that region of India, in one year; in the next, assail the Mahrattas and the Deccan from the north, while the Sultan co-operated with him from the south; and after this it would cost them little trouble to extend their empire over every part of India. This invasion of the Afghans, the English government for several years contemplated as an object of apprehension; and it was the ostensible cause, why the Commander-in-Chief was left in Bengal, and the conduct of the army committed to General Harris, in the last war against Tippoo.

The Sultan was too well apprized of the weakness of Nizam Ali, to expect from his alliance any material advantage; and, besides, he expected to induce the Mahrattas to yield him any useful assistance, chiefly by offering to

[1] Despatches of the Duke of Wellington, i. 75.

join with them, in seizing the dominions of the Nizam. He maintained, from the time of the accession of Bajee Rao, a secret agent at Poona, whose endeavours were used to effect an intimate union. But Bajee Rao was held in thraldom by Sindiah; and any combination of Bajee Rao and Tippoo, which could have a tendency to emancipate the Peshwa from his subjection, was opposed by the interests of Scindiah; and though Scindiah would have been well contented to join with the Sultan in any scheme of hostilities against the English, if it were not attended with danger, he was too much alarmed for his dominions in the north, which the English could easily invade, to be willing for the present to expose himself to the chance of so great an evil. From this state of affairs, Tippoo seems to have despaired of getting the Mahrattas to act with any efficiency on his side; and for that reason not to have made any very strenuous exertions to induce them.

In these circumstances, beholding, as he must have done, the great inferiority of his power, his utter inability to maintain a contest against the English, and the probability that resistance would bring on his fall, it may well be regarded as surprising, that he did not endeavour, by prompt attention to their complaints, and early negotiation, to escape from the storm which he was unable to face. One of the most remarkable characteristics, however, of the Sultan's mind, was the want of judgment. For an Eastern prince, he was full of knowledge. His mind was active, acute, and ingenious. But, in the value which he set upon objects, whether as means, or as ends, he was almost perpetually deceived. Besides, a conviction appears to have been rooted in his mind, that the English had now formed a resolution to deprive him of his kingdom, and that it was useless to negotiate, because no submission to which he could reconcile his mind, would restrain them in the gratification of their ambitious designs. Nor was he deprived of grounds of hope, which over a mind like his were calculated to exert a fatal influence. He never could forget the manner in which his father had triumphed over a host of enemies by shutting himself up in his capital, and defending himself, till the season of the rains; nor had all his experience of the facility with which Europeans overcame the strong-

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est defences in his power to rear, yielded on this point any decisive instruction. The principal part of his preparations for war had consisted in adding to the works of Seringapatam, and storing it with provisions for a siege. With the attempt to disable the Bombay army the idea of even obstructing the march of the invaders, if not altogether abandoned, was very feebly pursued. And, till the English were upon the ramparts, he could not persuade himself that the fort of Seringapatam would be taken. His grand military mistake is acknowledged to have been the neglect of his cavalry; a proper use of which would have rendered the conquering of him a far more arduous task.

The original defects of his mind, arising from the vices of his education, appear to have increased as he advanced in years, and with peculiar rapidity since the loss of his dominions in 1792. The obedience which the will of princes, especially Eastern princes, is habituated to receive, not only renders them wretched when it is opposed, but gluts and palls them with the gratification. Each recurring instance becomes by familiarity insipid, or rather disgusting, and leaves the mind restless and impatient for a new gratification. This serves to account for the fickle and capricious disposition which so commonly marks the character of princes; and in general prevails in them to a greater or less degree, in proportion to the natural vivacity and susceptibility of their minds. This disease infected the whole conduct of Tippoo Sultan, public and private, and latterly in a manner so extraordinary, that, when joined to a similar growth of his impatience at every disagreement between that which he willed and that which fell out, it produced in his subjects a persuasion that his mind was partially deranged. Like many other persons of active, but not powerful minds, he ran violently upon the observance of minuteness in minute details, but with little capacity of taking a marshalling view of a great whole. He saw but few therefore of the relations and dependencies of things; and was, of course, unable to anticipate justly their distant consequences. The temptation to please, rather than to serve, excluded Tippoo, as it excludes other princes, from the benefit of councils wiser than his own. Accustomed to hear from

those who approached him, that every sentiment which he uttered exceeded in wisdom that of every other man, any difference with his opinions struck him at last in the character of a mere demonstration of folly. As a general, he possessed, as had been abundantly proved by the English in former wars, no other talents than the vulgar ones of great activity, courage, and that turn for stratagem, which the cunning of a rude age has a tendency to produce. As a domestic ruler, he sustains an advantageous comparison with the greatest princes of the East. He bestowed a keen attention upon the conduct of his government, from which he allowed himself to be diverted neither by pleasure nor by sloth. He made a methodical distribution of his time for business, in which he was laborious and exact; but in which his passion for detail made him frequently waste that attention upon minor, which ought to have been reserved to the greatest affairs. He had the discernment to perceive, what is so generally hid from the eyes of rulers in a more enlightened state of society, that it is the prosperity of those who labour with their hands, which constitutes the principle and cause of the prosperity of states; he therefore made it his business to protect them against the intermediate orders of the community, by whom it is so difficult to prevent them from being oppressed. His country was, accordingly, at least during the first and better part of his reign, the best cultivated, and its population the most flourishing in India;[1] while, under the English, and their depen-

[1] The same was asserted, with more truth no doubt, of the state of Mysore under Hyder; but it is difficult to believe that a country should be flourishing which was the frequent scene of hostile movements, and the sovereign of which demanded large contributions from his subjects, in order to keep up a disproportionate military force. Climate and soil, and an agricultural people, do much to hide, if they do not remedy, the exactions of a bad government; and a passing observer, who sees everywhere on his march abundant tillage, may easily misconceive of the condition of the inhabitants. The accounts of the prosperity of Mysore, under Hyder and Tippoo, must be received with hesitation; where tested by English experience they proved inaccurate. Munro was one of the officers appointed to manage some of the districts ceded by Tippoo in the first war, and his description of the state of things, as he found them, proves irrefutably that the management of the two Mohammedan princes of Mysore was not a whit preferable to that which succeeded them. "The collector cannot expect the country to flourish, when he has himself given the signal to plunder it. The numerous band of revenue servants require no encouragement to exercise the trade which they have always followed, but they now act without restraint, and are joined by the head farmers in stripping the unfortunate husbandmen of a great part of the produce of their labours. This is the system under the Nabobs, under Tippoo, under the Company, and, I believe, under every government in India. The collectors and their deputies,

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dants, the population of the Carnatic and Oude, hastening to the state of deserts, was the most wretched upon the face of the earth; and even Bengal itself, under the operation of laws ill adapted to the circumstances of the case, was suffering almost all the evils which the worst of governments could inflict. That Tippoo was severe, harsh, and perhaps cruel, in superintending the conduct of those who served him, may be so far easily believed, as his inordinate pride would make every offence which appeared to be committed against himself assume gigantic dimensions: and his habit of willing, and seeing his will realized, made him expect every event, willed by himself, as by a law of nature, which nothing but the misconduct of others could have disturbed. That the accounts, however, which we have received from our countrymen, who dreaded and feared him, are marked with exaggeration, is proved by this circumstance, that his servants adhered to him with a fidelity which those of few princes in any age or country have displayed.[1] Of his cruelty we have heard the more, because our own countrymen were among the victims of it. But it is to be observed, that, unless in certain instances, the proof of which cannot be regarded as better than doubtful, their sufferings, however intense, were only the sufferings of a very rigorous imprisonment, of which, considering the manner in which it is lavished by their own laws, Englishmen ought not to be very forward to complain. At that very time, in the dungeons of Madras and Calcutta, it is probable that unhappy sufferers were enduring calamities for debts of 100*l.*; not less atrocious than those which Tippoo, a prince born and educated in

not being paid, help themselves, and by this means, the country is often as much harassed in peace as in war. The private dividend among Tippoo's managers is from twenty to forty per cent. Life i. 156. Again: "The Baramahl has now been completely surveyed, and the rents of it are fixed; they are on an average nearly what they were under Tippoo. The inhabitants paid the same then as now, but the deficiency of his receipts arose from the peculations of a host of revenue officers. The rents here, as I believe in every other part of India, are too high; this circumstance, joined to the general poverty of the people, is a great obstacle to every kind of improvement." Ibid. 204. There are other passages to the same purport, and they are fatal to a belief that the subjects of Tippoo were in any degree better circumstanced than those of the Company. The probability is, that their situation was worse.—W.

[1] Without detracting from the character for fidelity borne by Tippoo's officers, it is to be remembered that the Sultan did not trust to it as a fixed and permanent principle which precluded the necessity of ensuring it by other means. "The families of all his principal officers had always been kept as hostages in Seringapatam." Munro i. 219.—W.

a barbarous country, and ruling over a barbarous people, inflicted upon imprisoned enemies; enemies belonging to a nation, who, by the evils they had brought upon him, exasperated him almost to frenzy, and whom he regarded as the enemies both of God and man.[1] Besides, there is among the papers relating to the intercourse of Tippoo with the French, a remarkable proof of his humanity, which, when these papers are ransacked for matters to criminate him, ought not to be suppressed. In the draught which he transmitted to the Isle of France, of the conditions on which he wished that a connection between him and the French should be formed, the following are the very words of a distinct article: "I demand that male and female prisoners, as well English as Portuguese, who shall be taken by the republican troops, or by mine, shall be treated with humanity; and with regard to their persons, that they shall (their property becoming the right of the allies,) be transported at our joint expense, out of India, to some place far distant from the territories of the allies."

Another feature in the character of Tippoo was his religion, with a sense of which his mind was most deeply impressed. He spent a considerable part of every day in prayer. He gave to his kingdom, or state, a particular religious title, *Khodadad*, or God-given; and he lived under a peculiarly strong and operative conviction of the superintendence of a Divine Providence. His confidence in the protection of God was, indeed, one of his snares; for he relied upon it to the neglect of other means of safety. To one of his French advisers, who had urged him with peculiar fervour to use greater zeal in obtaining the support of the Mahrattas, he replied, "I rely solely on Providence, expecting that I shall be alone and unsupported; but God, and my courage, will accomplish every

[1] After the capture of Seringapatam, some native spies, employed by the English, asserted that the Sultan had ordered the death of thirteen English prisoners, taken during the siege; and a scrap of paper was found, said to be in his hand-writing, which bore the character of an order for the death of 100 Coorg prisoners.—All the evidence which accompanies these allegations would not be worthy of regard, but that the moral and intellectual state of the age and country of Tippoo renders such an act by no means improbable, under strong temptation, by any prince of the East. This, however, does not conclude Tippoo to be worse; it only supposes him not to be better than his neighbours.

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thing."[1] It is true, that his zeal for God, like the zeal of so many other people, was supported by the notion, and by the desire, of being the favourite of God; of being honoured with the chief place in his affections, and obtaining the best share in the distribution of his favours. His religion resembled the religion of most of the persons anxious to distinguish themselves for pious zeal, in this respect also; that it contained in it a large infusion of the persecuting spirit. He imagined that he exceedingly pleased the Almighty, by cultivating within himself a hatred of all those whose notions of a God did not correspond with his own; and that he should take one of the most effectual modes of recommending himself to that powerful and good Being, if, in order to multiply the number of true believers, he applied evil to the bodies of those who were not of that blessed description.

It would not be reckoned pardonable by Englishmen, if an historian were to omit ambition, and the hatred of the English, among the ingredients in the character of Tippoo. But ambition is too vulgar a quality in the minds of princes to deserve particular commemoration; and as for his hatred of the English, it only resembled the hatred which the English bore to him, or to the French: and which proud individuals, and proud nations, are so prone to feel, towards all those who excite their fears, or circumscribe their hopes. Besides, among the princes of India, who, except their drivellers, were less ambitious than he? Was it Sindiah, or was it Holkar? Even in hatred of the English, is it understood, that these Mahrattas were exceeded by the sovereign of Mysore?[2]

[1] See the letter from Tippoo Sultaun to M. Du Buc, dated Seringapatam, 2nd Jan. 1799; papers printed by order of the House of Commons in 1800.

[2] This extenuation of the defects of Tippoo's character is no doubt prompted by our author's usual generous disposition to protect those whom all other persons assail. Notwithstanding this spirit, however, he is compelled to admit that Tippoo rashly provoked a storm he was unable to face, instigated by an ungovernable hatred of the English, both on account of their power and their religion. It is difficult to understand how this fatal want of judgment is reconcileable with an active, acute, and ingenious mind, or one even for that of an Eastern prince full of knowledge. That the Sultan had an active mind may be allowed, but it was the activity of restlessness, accompanied by cunning rather than acuteness,—by caprice rather than ingenuity. Of his knowledge there is no proof, and he was evidently ignorant of the relative position of the French and English when he trusted to the support of the former in a contest with the latter. In his military capacity it is admitted that he displayed courage without conduct. The merits of his civil government are, as above noticed, exaggerated at least, if not altogether misstated. The imprisonment

When the papers of Tippoo, found in the palace of Seringapatam, were examined, the correspondence was discovered which had passed between him and the French. With this Lord Wellesley shows that he was singularly delighted; as if, without such means of persuasion, he had dreaded, that the grounds of the war, successfully terminated, would not have appeared satisfactory to all those whose approbation he was interested in obtaining. It is, therefore, necessary that the amount of its contents should be declared. Some time before the beginning of April, 1797, the captain of a privateer from the Mauritius, Citizen Ripaud by name, whose ship, damaged in some engagement, had nearly foundered at sea, arrived in the country of Tippoo, and was conveyed to the capital; where several of his countrymen had long been high in the service of the Prince. This man, so illiterate that he could not spell his own language, and ready, as appears by his letters of the 23rd of May, 1797, for the perpetration of any crime, even against his own countrymen, was eager by imposture to recommend himself to the favour of the Sultan. He represented that the French government were not only burning with a desire to invade the possessions of the English in India, but were almost ready for the execution of that great design, having made vast preparations, forwarded a large body of troops to the Isle of France, and chiefly waiting till they could learn how much assistance they might expect from their ancient friend, the Sultan of Mysore. Tippoo, as eager fully as Englishmen, to believe what he eagerly desired, thought he could not be too expeditious in sending men to ascertain the circumstances; and in endeavouring to derive advantage from them should they appear to corre-

of debtors in Calcutta and Madras, as a consequence of legal enactments, however objectionable in their origin, is a very different thing from the sufferings and massacre of prisoners taken in the chances of war, and is no excuse for the vindictive cruelty exercised by Tippoo upon all, whether Europeans or natives, who were the objects of his vengeance. As to his religion, he not only partook largely of that intolerance which is a prominent feature of the Mohammedan faith, but it was degraded by the grossest superstition, faith in dreams, magic, and astrology; articles of belief, not uncommon it is true amongst the great men of the East, but in a special degree professed by Tippoo, and indicating none of that fulness of knowledge and acuteness of understanding for which in outset of this sketch of his character, credit has been given him. The general tendency of the description is, therefore, to convey an unfaithful portraiture of a prince, who, although he may claim compassion for his fate, can never by any sophistry be held up as an object of sympathy or respect.—W.

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spond with report. So completely was Tippoo deceived by the representation of Ripaud, that he thought it was only necessary to name the extent of the assistance which he wished to receive. He demanded an army of from 30,000 to 40,000 men, of whom he required that from 5,000 to 10,000 should be veteran troops; and, in addition to an army of this magnitude, he thought it proper to exact the assistance of a fleet. In contributing to the common enterprise, he proposed to take the whole expense of the army upon himself; and, as soon as it arrived, to join it with all his forces; when the expulsion of the English, he trusted, would not be a tardy result. As he believed, according to the statement of his informer, that nothing was wanting for the immediate departure of such a body of troops, but his assent to the conditions with which it was expected he should comply, he took the requisite measures for its being immediately bestowed. Four vakeels proceeded to the coast in April, 1797; but before they were ready to depart the monsoon set in. During the delay which it occasioned, the vakeels are said to have fallen into disputes and dissensions. This, with other causes, induced the Sultan to annul their appointment; and the actual mission, which at last consisted of only two persons, did not depart till the October following. Extreme was the disappointment with these vakeels, whom in the whole of this intercourse, the Governor-General, to exalt the notion of its importance, dubs with title of ambassadors, though the agent whom the meanest individual employs to transact for him a business of a few rupees, is his vakeel, experienced upon their arrival in the Isle of France. They expected to have nothing further to do than to set their seal, in the name of their master, to the conditions which he had given them in writing. This was called, in the pompous language of Citizen Ripaud, to contract an alliance offensive and defensive with the French Republic, one and indivisible, terms which the Sultan could not understand, as his language wanted words to correspond. And when this simple operation was performed, they expected to return with a grand army to Mysore. They found that not only was there at the Isle of France no force whatsoever, which could be spared for the use of their master,

but that no intimation had, by the government of France, been conveyed to the constituted authorities of the island of any intention to send an army to India; and that those authorities were not vested with a power to form engagements with Tippoo of any description. Nothing did the rulers of the island find themselves competent to perform, except to forward the letters of the Sultan to the government of France, and offer aid to them in raising a few volunteers. Assistance so contemptible in comparison of what they and their master expected, the vakeels at first refused to accept. And no small importunity appears to have been necessary to conquer their determination.

In the report of their proceedings, which they were required to give to their master upon their return, they say, "The four chiefs of Mauritius told us personally, that the European Ripaud had brought us here on a false representation to the Sultaun; and that at present they had no forces." A member of the legislative body of the island, who, because he had served in a military capacity in India, and was known to the Sultan, sent him a letter along with the returning vakeels, declared; "Our grief was profound to learn that you had been deceived by Ripaud as to our forces on this island. The only reinforcement which had been sent to us from France, since the commencement of the war, is one battalion, which we have sent to Batavia, to assist the Dutch in the preservation of that place. This we did, in return for the assistance which we had drawn from thence in money, provisions, and naval stores; for you must know, great Prince, that our own resources are insufficient for our support; and we have sworn to bury ourselves under the ruins of our island, rather than see our enemies its possessors."[1] The hopes which the French rulers held out that more efficient assistance might possibly be obtained by appli-

[1] See the papers relating to the war with Tippoo, printed by order of the House of Commons, in 1800. In the report which the vakeels, upon their return, made to the Sultan of their proceedings, they expressly state, that the Governor of the Isle of France waited upon them, and said "that Ripaud had made an erroneous representation to your Highness, which occasioned us to be deputed." And before their departure, they were informed by the Governor, that he would send with them a gentleman, (one of those by whom they were actually accompanied) "who should reside at the presence in quality of vakeel, that the other Frenchmen might not, by telling falsities, like Ripaud, deceive your Highness."

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cation to the French government at Paris, obviously deserve attention merely as expedients to evade the chagrin of the vakeels. The number of Frenchmen in the service of the Sultan amounted not to more than 120 men.[1]

The confidence which Tippoo reposed in the strength of Seringapatam, especially when protected by God, and his own courage, had prevented him from making any provision against an event which he reckoned so very improbable as its fall. Not only his family, therefore, but the whole of his treasure, was deposited in the fort: and as the palace was obtained by a species of capitulation, without the irruption of the soldiers, there was no suspicion that any portion of the money or jewels which he had in store, was not publicly obtained, and fully brought to account. It hence appeared, to the clearest satisfaction, how exaggerated and extravagant had been the conception of his enormous riches, and hence of his dangerous resources for war. The whole amount of the remaining specie, which Tippoo had treasured up, was about sixteen lacs of pagodas (640,000*l.*); and his jewels, of which in common with the Princes of the East he was fond, and with which they never part, except in their greatest extremity, were valued at about nine lacs (360,000*l.*) more. So far was such a sum from rendering its owner formidable to a power like that of the British in India, that the Governor-General in Council did not reckon it too much to be immediately distributed to the army, as a donative, in reward of the virtues which it had displayed during the campaign.

The English were now in possession of the kingdom of Mysore; and the only question which it remained for the Governor-General to decide, was the momentous one, how a kingdom was to be disposed of. He was not insensible to the difficulties which attended upon his decision; and the

[1] Beatson, i. 139.
The attention is here diverted from the more important contents of the papers to the circumstances which led to Tippoo's connexion with the Isle of France; but from the documents themselves it appeared that the Sultan had addressed the Directory in July, 1798, proposing an offensive and defensive alliance with France for the purpose of expelling the English from India, announcing at the same time his determination not to wait for the forces of his allies, but to commence the attack on the first favourable occasion. Despatches, 591. The whole of the correspondence, forming a large volume, was translated and printed in Calcutta. Ibid. 597.—W.

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delicacy which was required, in balancing between the love of territory, on the one hand, and the suspicion and odium on the other, to which the destruction of another prince, and the annexation of any considerable part of his kingdom to an empire already of vast dimensions, would be exposed both in Europe and in India. This part of his task he performed with the greatest address. The Nizam, though, from the inferior part which he had taken in the war, he was not entitled to an equal share with the English in the benefits which resulted from it, was gratified by receiving an equal portion of territory. The necessity, however, was inculcated, of moderation in the desires of both; and the principle which was laid down was, that they should content themselves with such a portion of territory, as would indemnify them for the charges of the war, and yield security. The word security, brought in upon this occasion, was calculated to answer any purpose, to which they who made use of it had, or could have, any desire to employ it.[1] Demands for security had no limit, but the pleasure and power of those by whom they were set up. When the subsequent inquirer asks, Security against whom? It is not easy to find an answer. Security against Tippoo? He was no more. Security against Nizam Ali, and the English, against one another? That was impossible; for they were both to be aggrandized, and in an equal degree. Was it security against the Mahrattas? No, for they also were to be offered a part of the divided territory, which was the way to make them more, not less dangerous neighbours than they were before. On the principle, then, of indemnification and security, it was decreed, that the English, on their part, should take to themselves the whole of the territory possessed by the Sultan on the Malabar coast, the district of Coimbetore and Daramporam, the whole of the country which intervened between the Company's territory on the western, and that on the eastern coast, yielding now an uninterrupted dominion from sea to sea; along with these possessions, the forts and posts forming the heads of the principal passes above the Ghauts on the table-land;[1] the district of Wynaad; and, *lastly, the for-*

[1] Col. Beatson says, (p. 254), that in 1788 he "ascertained the position and nature of not less than sixty passes through the mountains, several of which

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tress, city, and island of Seringapatam, as a place which effectually secured the communication between the British territory on both coasts, and strengthened the lines of defence in every direction. A territory, affording an equal revenue with that which by the English was taken for themselves, was given to Nizam Ali, in the districts of Gooty, Gurrumcondah, and the tract of country which lies along the line of the great forts of Chittledroog, Sera, Nundydroog, and Colar, but without the forts, which it was supposed would render his frontier too strong. With regard to the third party in the alliance against Tippoo, they had entirely abstained from all participation in the war; and it would not, in the opinion of the Governor-General, have been good policy, to place on the same level, in the distribution of the spoil, those who did all, and those who did nothing, in the acquiring of it. This would be to encourage allies to be useless, when their services were required. So much territory as was taken by the English, and given to Nizam Ali, would, also, yield to the Mahrattas more than enough of strength. Still it was desirable to conciliate the good will of that people to the present proceedings; and to give them an interest in the arrangements which were made. A portion of territory, from one half to two thirds of the value of that which was taken by the English and given to Nizam Ali, would, it was concluded, answer these ends. This portion was to include Harpoonelly, Soonda above the Ghauts, Annagoody, and some other districts; with part of the territory, not, however, including the fortresses, of Chittledroog and Bednore.

Of the portion which still remained of the territory gained from Tippoo, yielding thirteen lacs of pagodas, a revenue greater than that of the ancient Rajaship of Mysore, it was accounted politic to form a separate state. For sovereign, the choice lay between the family of Tippoo, and that of the ancient Hindu Rajas, who had been kept in confinement, but not extinguished, by Hyder Ali and his son. In the sons of Tippoo, the due degree of passive submission was reckoned much less probable than in those

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are practicable for armies, and two-thirds, at least, of that number sufficiently open to the incursions of cavalry."

of a family, who, having lost all expectation of reigning would take even liberty as a boon, much more sovereignty, though in its most shadowy form. The direct male descendant of the Mysore Rajas was a child of a few years old; and to him it was decreed that the title of sovereign should belong. The conditions upon which he was to receive his dignity were as follows: That the whole of the military force maintained for the defence of the country should be English; That for the expense of it he should annually pay seven lacs of pagodas; That in case of war, or of preparation for war, the English might exact any larger sum, which they deemed proportional to the resources of the Raja; And last of all, should they be dissatisfied with his government in any respect, they might interpose to any extent in the internal administration of the country, or even take the unlimited management of it to themselves. In this manner, it is evident, that the entire sovereignty of the country was assumed by the British, of whom the Raja and his ministers could only be regarded as Vicegerents at will. It was, therefore, with some reason the Governor-General said, "I entertain a sanguine expectation, that the Raja and his ministers, being fully apprized of the extensive powers reserved to the Company will cheerfully adopt such regulations as shall render the actual exercise of these powers unnecessary;" for knowing themselves to hold a situation totally dependent upon the will of another, whatever emanated from that will, they were bound, without a choice, to obey. How long, with whatever dispositions to obedience, their performance of the services exacted of them will give satisfaction, depends upon circumstances of a sort which cannot be foreseen.

The Governor-General was perfectly aware of the share of the sovereignty which he had taken, and the share which he had left. "Under these arrangements," he said, "I trust that I shall be enabled to command the whole resources of the Raja's territory;" adding, what were very desirable results, that under these arrangements he also trusted to be enabled "to improve its cultivation, to extend its commerce, and to secure the welfare of its inhabitants." For appropriating such "extensive powers," (so they are called by himself,) the reasons which he as-

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signed pronounced a violent condemnation of the policy so long pursued; and of which such applauded rulers as Hastings and Cornwallis had made their boast; the policy of only sharing the powers of government, with the native princes of Oude, the Carnatic, and Tanjore. "Recollecting the inconveniences and embarrassments which have arisen to all parties concerned, under the *double* government, and *conflicting* authorities unfortunately established in Oude, the Carnatic, and Tanjore, I resolved to reserve to the Company the most extensive and indisputable powers." This is to boast explicitly, that no double government, no conflicting authorities, were left in Mysore; that, by consequence, the powers of government were, without participation, engrossed by the English. What then, it may be asked, was the use of setting up the shadow of a Raja? The sources of evil were manifest. A considerable expense was rendered necessary for the splendour of his state; and it was utterly impossible to govern the country so well through the agency of him and his ministers, as it might have been governed by the direct application of European intelligence and virtue. But this Raja was a species of screen, put up to hide, at once from Indian and from European eyes, the extent of aggrandizement which the British territory had received; and it so far answered the purpose, that, though an obvious, it undoubtedly claims the praise of an adroit, and well-timed political expedient. It enabled the Governor-General to dismiss Nizam Ali with a much smaller share of the prey, than would have satisfied him, had the English taken without disguise the whole of what in this manner they actually appropriated.[1] It precluded the Mahrattas from those attempts to excite a jealousy of the English, to which it was known they were abundantly disposed. And it imposed completely, as well upon those members of the British legislature, who would have been pleased with an opportunity to criticize; as upon the men whose criticisms are more extensively disseminated through the press; all of whom, or almost all, were too defective, it seems, in the

[1] The Governor-General expressly declares, that beside the jealousy of the Mahrattas, the partition of Mysore between the English and the Nizam would have raised the power of that prince to a dangerous height: and would have given him many strong fortresses which could not have been placed in his hands without imminent danger to the British frontier.

requisite lights, to see through the game that was played: for though none of the great acts of Marquis Wellesley's administration is more questionable than the attack upon Tippoo Sultan, that is a part which, till now, has been exempt from censure.

The territory, thus in name transferred to a Hindu Raja, whose residence was to be the ancient city of Mysore, while the benefits of its sovereignty were all transferred to the English, was bounded on the north by a strong line of hill-fortresses and posts, Chittledroog, Sera, Nundydroog, and Colar, forming a powerful barrier towards the southern frontiers of Nizam Ali and the Mahrattas, from Panganoor on the line of the eastern, to Bednore on the line of the western Ghauts, the whole occupied and defended, for the benefit of the English, by English troops; and on the three other sides, east, west, and south, it was entirely surrounded by the territories of the Company, above and below the Ghauts.

To the family of Tippoo, if we make allowance for the loss of a throne, as well as to the principal men of his kingdom, the conduct of the Governor-General was considerate and generous. The fortress of Velore, in the Carnatic, was appropriated for the residence of the royal family, and fitted up commodiously for their reception, with an allowance for their support, more liberal than that which they had received from Tippoo himself. The principal men were all provided for by jaghires or pensions, conformable to their rank and influence, with a generosity which not only contented, but greatly astonished themselves. They were the more easily pleased, that Tippoo, centering all authority in his own person, rendered it impossible for his servants to acquire any influence beyond the immediate exercise of his official powers; and as the frugality of their administration was severe, their emoluments were uncommonly small. The same circumstances facilitated the settlement of the country; for, as no individual possessed any authority sufficient to make resistance, when Tippoo was gone, and as the character of the English was sufficiently known to inspire confidence, the chiefs made their submission without hesitation or delay. When one of Tippoo's confidential servants was sent to treat with the officer at the head of the cavalry, the

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celebrated Kummir ad din Khan, he refused to stipulate for terms, and said he cast himself entirely upon the generosity of the English.

In the treaty which was signed by Nizam Ali and the English, entitled the Partition Treaty of Mysore, for establishing the arrangements which have just been described, it was fixed, that, unless the Peshwa acceded to the said treaty within the space of one month, gave satisfaction relative to some disputes with Nizam Ali, and complied with certain conditions, not specified, in favour of the English, the territory, which it was meant to bestow upon him, should be shared between the remaining allies, in the proportion of two thirds to Nizam Ali, and one to the English.[1]

When the terrors which Tippoo suspended over the Mahrattas, and the dependence which they felt upon the English against the effects of his ambition and power, were destroyed, it was not expected that their hostile dispositions, which had already so ill disguised themselves, could long be restrained.[2] The power of Nizam Ali was now the only barrier between the English possessions in the Deccan, and the irruptions of that formidable nation: and how small the resistance which he was capable of yielding, the English had abundantly perceived. In one way, it appeared sufficiently easy to augment his capacity for war. He was acutely sensible of the dangers to which he was exposed at the hands of the Mahrattas, and of his incompetency to his own defence. He was therefore

[1] See the papers relating to the war with Tippoo, printed by order of the House of Commons in 1800. See also the Treaty with the Nizam, and that with the Raja of Mysore. For the whole of the concluding struggle with Tippoo we have very complete information, not only in the official papers, which have been pretty fully given in print, but in the valuable works, so frequently quoted, of Beatson and Wilks. For the character of Tippoo, and some parts of his politics, hints are afforded by the volume of his letters, for which we are indebted to Col. Kirkpatrick.—M.

The Lives of Munro, Harris, Baird, and the Despatches of Lord Wellesley, supply fully whatever the prior authorities left wanting.—W.

[2] Indications of a hostile spirit in the Peshwa and Sindiah had been discovered even before the capture of Seringapatam. On the 23rd April, the Governor-General writes to General Harris, "Dowlut Rao Sindiah has been discovered to entertain hostile designs against the Company and the Nizam, and I have reason to suspect that a secret correspondence subsists between him and Tippoo. The Peshwa appears to have entered into Sindiah's views against the Company and the Nizam, and on the 26th "the danger of an early attack upon the dominions of the Nizam, by Dowlut Rao Sindiah, either singly or in concert with the Peshwa, appears to have increased." Despatches, i. 558, 581.

abundantly desirous of receiving such additions to the number of the British troops already in his pay, as would suffice to allay his apprehensions. But the payment of these troops suggested itself to the foresight of the English rulers, as creating difficulties and dangers which it was not easy to overlook. So fickle and capricious were the councils of the Subahdar, that he might suddenly adopt the resolution of dismissing the English troops from his service; while the impoverishment of his country by mal-administration, and the exhaustion of his resources by useless expences, portended a moment not far distant, when he would be deprived of power to pay as many troops as would satisfy the ideas of security which the English rulers entertained. One expedient presented itself to the imagination of the Governor General, as adapted to all the exigencies of the case; and he resolved not to omit so favourable an opportunity of realizing the supposed advantage. If Nizam Ali, instead of paying a monthly or annual subsidy for the maintenance of the troops whose service he was willing to receive, would alienate to the English in perpetuity a territory with revenue sufficient for the expense, a military force might then be established in his dominions, on the least precarious of all securities. The evils were, in the first place, a violation of the act of parliament, which forbade extension of territory; but that had always been violated with so little ceremony, and lately in so extraordinary a manner, that this constituted an objection of trivial importance: in the second place, the real difficulties of administering the ceded territory, so frugally and beneficently, as to render its produce equal to its expense; difficulties, it is probable, which were but little understood: and lastly, the grand general evil, that, in proportion as territory augments, and with it the amount and complexity of the business which its administration involves, it becomes more and more impossible for the superintending power to take securities, that the business of government shall not be negligently and corruptly performed; since, beside the inability of attention to extend itself minutely beyond a limited range of affairs, distance from the eye of government gradually weakens its powers, and at last annihilates a great portion of them. Over-balancing advantages

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appeared to flow, from the funds which would thus be secured for the maintenance of a considerable army, from the security which this army would afford against the Mahrattas, and from the sovereignty which it would transfer to the English over Nizam Ali and his dominions; though his dominions were governed so ill, that little advantage could be hoped from them.[1] The documents relative to the negociations have not been made public; and we know not in what manner that Prince at first received the proposition, nor what modes of inducement were employed to obtain his consent. However, on the 12th of October, 1800, a treaty was signed; by which important contract, the English added two battalions of sepoys, and a regiment of native cavalry, to the force which they engaged to uphold in the service of the Subahdar, and also bound themselves to defend his dominions against every aggression; while, on his part, Nizam Ali ceded to the English, in perpetual sovereignty, all the acquisitions which he had made from the territory of Tippoo, either by the late treaty, or by that of Seringapatam, in 1792; and agreed neither to make war, nor so much as negociate, by his own authority; but, referring all disputes between himself and other states to the English, to be governed by their decision, allowing the subsidiary troops in his service to be employed by the English in all their wars, joined by 6000 of his own horse, and 9000 of his infantry, only reserving two of the English battalions which should always be attached to his person. For the purpose of obtaining the Tumboodrah as a clear and distinct boundary, Kupoor, Gujunder Gur, and some other districts, lately acquired from Tippoo, were exchanged for Adoni and a few places on the southern side of the river. With regard to the family and subjects of

[1] The proposition for the territorial grant originated with Azim-ul-Omra, the minister of the Nizam; and it was believed by the Governor-General that the court of Hyderabad was sincerely disposed, and even secretly anxious for a commutation of the subsidy. In the first plan of the treaty, however, an alternative was retained of paying the subsidy in money, whenever convenient; a stipulation to which the English Government objected; and in the counter-plan it was distinctly asserted that no other effectual or satisfactory security than an absolute assignment of territory could be given by the Nizam for the regular payment of the subsidy. The extreme anxiety of the Nizam to have assurance of protection against the Mahrattas, removed all impediments to an amicable adjustment of the conditions, the principle of which he had already recognised. Despatches, ii. 275, and App. 713.—W.

the Subahdar, it was stipulated that he was to remain absolute, and the English were on no pretext to dispute his authority. A revenue of about 1,758,000 pagodas arose from the territory ceded by this treaty to the English.[1]

Of this engagement, as it affected the interests of the English, the nature may be described in a single sentence. The English acquired a small territory, with the obligation of defending a large one. If it be said, that it was as easy to defend the Nizam's territory, in addition to their own, as it was to defend their own without that of the Nizam, and that the revenue of the new territory was all therefore clear gain, the declaration is unfounded. If the act of parliament, which was set up for a show, but in practice trampled upon habitually, and by those who made it, as shamelessly, as by those for whose coercion it was made, is worthy on such an occasion to be quoted, it may be recollected, that, according to the doctrine which, in that enactment, guided the legislature, all extension of territory was bad, because it cost more to defend it, than it could be made to produce; much more of course, when a small territory was acquired with the burden of defending another, several times as large.

A clause was inserted, to say, that if the Peshwa or Dowlut Rao Sindiah, should desire to have a part in this treaty, they should be admitted to all its advantages; in other words, they should have a subsidiary force on the same terms as Nizam Ali. But so far were the Mahrattas from desiring an alliance of this description, that the Peshwa, under the dictation of Sindiah, refused to accept the territory which was reserved to him out of the spoils of Tippoo; it was therefore divided by the English between themselves and the Subahdar.

CHAPTER IX.

Situation of Oude, as left by Lord Teignmouth, highly satisfactory to the Home Authorities — Great Changes meditated by Lord Mornington — Extirpation of British

[1] A sketch of the Political History of India, from the Introduction of Mr. Pitt's Bill, A.D. 1784, to the present Date, by Sir John Malcolm, pp. 282—287 Collection of Treaties.

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Subjects, not in the Service of the Company—Apprehended Invasion of the Afghans — Endeavour to obtain the Alliance of Sindiah — The Idea abandoned — An Embassy to the King of Persia — Insurrection by Vizir Ali — Reform of his Military Establishment pressed on the Nabob of Oude — His Reluctance — He proposes to abdicate in favour of his Son — The Governor-General presses him to abdicate in favour of the Company — He refuses — Indignation of the Governor-General — He resorts to Coercion on the Reform, which meant the Annihilation, of the Nabob's Military Establishment — The Business of the Annihilation judiciously performed — The Vizir alleges the Want of Resources for the Maintenance of so great a British Army — From this, the Governor-General infers the Necessity of taking from him the Government of his Country — If the Nabob would not give up the whole of his Country willingly, such a Portion of it as would cover the Expense of the British Army to be taken by Force — This was more than One-half — The Vizir to be allowed no Independent Power even in the Rest — The Vizir desires to go on a Pilgrimage — The Hon. H. Wellesley sent to get from him an Appearance of Consent — The Cession of the Portion necessary for the Expense of the Army effected — A Commission for settling the Country with Mr. H. Wellesley at the Head — Governor-General makes a Progress through the Country — Transactions between him and the Nabob of Oude — Proposition of the Bhow Begum — Objections of the Court of Directors to the Appointment of Mr. H. Wellesley — Overruled by the Board of Control — Government of Furruckabad assumed by the Company — Settlement of the Ceded Districts — Full Approbation of the Home Authorities.

THE arrangements formed by the late Governor-General, Sir John Shore, with respect to the kingdom of Oude, satisfied the capacious desires of the London authorities. Under date the 15th of May, 1799, a despatch, intended to convey their sentiments to the instruments of government in India, has the following passages:

"By the definitive treaty concluded at Lucknow, the Company's influence over the Vizir's country appears to be sufficiently preserved; without the insertion of any

article, which, in its operation, might lead to an interference in the collections, on the part of the Company, that might be deemed offensive. And we have the further satisfaction to find, that (exclusive of the immediate payment of twelve lacs of rupees by the Nabob Vizir),—his annual subsidy is increased upwards of twenty lacs of rupees; besides the acquisition of a fortress in the Oude dominions, of the greatest consequence in the scale of general defence: with other stipulations, which have a tendency to remedy former defects in our political connexion with that country, and to give the Company such an ascendancy as cannot fail to be productive of material benefit to both parties: and which, we trust, will lead to the establishment of a good system of government in Oude, which hitherto all our endeavours, for a series of years, have been unable to accomplish.

"The late Governor-General had given us reason to expect, that, for the first year, or perhaps longer, after Saadut Ali's accession, his revenues would probably fall considerably short of their estimated amount; and that he would find considerable difficulty in fulfilling his pecuniary engagements with the Company:—and very satisfactorily assigned the ground of that opinion. We are, therefore, not surprised to find by the last accounts, that an arrear had accumulated in the payment of the Company's tribute, to the amount of upwards of eighteen lacs of rupees. Lord Mornington having represented, however, that he believes the Nabob is sincerely disposed to make every possible effort for the liquidation of this arrear, as well as for introducing such a system of order and economy into the management of his finances as will enable him to be more punctual in his future payments, we entertain a well-grounded expectation that every cause of complaint upon this head will speedily terminate."

The affairs of Oude being thus settled in a manner which bids fair to be permanent; and it appearing by your political despatch of the 17th April, 1798, that the most perfect tranquillity continues to prevail in the Vizir's dominions; and as the resolutions of the late Governor-General, of the 9th and 30th October, 1797, for the augmentation of the army, were declared to be connected with the proposed arrangements for that country, we direct

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that you take into your immediate consideration the propriety of disbanding those new levies, or the necessity of continuing them."[1]

While the home authorities were thus congratulating themselves upon the state in which the affairs of Oude were left by the late Governor-General, and pleasing themselves with the belief of its permanence, the new Governor-General was meditating the most important changes. In the political letter from Bengal, as early as the 3rd of October, 1798, the authorities at home were informed; "The Right Honourable the Governor-General has now under consideration the present state of affairs with Oude, and particularly the best means of securing the regular payment of the subsidy, and of reforming the Nabob's army."[2] And on the 23rd of December of the same year, the Governor-General wrote, in a private letter to the Resident; "The necessity of providing for the defence of the Carnatic, and for the early revival of our alliances in the Peninsula, as well as for the seasonable reduction of the growing influence of France in India, has not admitted either of my visiting Oude, or of my turning my undivided attention to the *reform* of the Vizir's affairs. There are, however, two or three leading considerations in the state of Oude to which I wish to direct your particular notice; intending, at an early period, to enter fully into the arrangement in which they must terminate.—Whenever the death of Almas shall happen, an opportunity will offer of securing the benefits of Lord Teignmouth's treaty, by provisions, which seem necessary for the purpose of realizing the subsidy, under all contingencies. The Company ought to succeed to the power of Almas. And the management, if not the sovereignty, of that part of the Doab, which he now rents, ought to be placed in our hands, a proportionate reduction being made from the subsidy; the strength of our north-western frontier would also be increased. On the other hand, in the event of Alma's death, we shall have to apprehend either the dangerous power of a successor equal to him in talents and activity, or the weakness of one inferior in both, or the division of the country among a variety of renters; in the

[1] Papers printed by order of the House of Commons in 1806, i. 30.
[2] Papers, ut supra, v. 3.

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first case we should risk internal commotion; in the two latter, the frontier of Oude would be considerably weakened against the attacks either of the Abdallee or of any other invader. The only remedy for these evils will be the possession of the Doab fixed in the hand of our government. The state of the Vizir's troops is another most pressing evil. To you I need not enlarge on their inefficiency and insubordination. My intention is to persuade his Excellency, at a proper season, to disband the whole of his own army, with the exception of such part of it as may be necessary for the purposes of state, or of collection of revenue. In the place of the armed rabble which now alarms the Vizir, and invites his enemies, I propose to substitute an increased number of the Company's regiments of infantry and cavalry, to be relieved from time to time, and to be paid by his Excellency. I have already increased our establishment to the extent of seventeen regiments of infantry, with the view of transferring three regiments to the service of his Excellency.—With respect to the Vizir's civil establishments, and to his abusive systems for the extortion of revenue, and for the violation of every principle of justice, little can be done before I can be enabled to visit Lucknow."[1]

The hostility of the Governor-General to his fellow-subjects pursuing, independently of the Company, their occupations in any part of India, is expressed, without a word to indicate reasons, in the same letter, thus; "The number of Europeans, particularly of British subjects established in Oude, is a mischief which requires no comment. My resolution is fixed, to dislodge every European, excepting the Company's servants. My wish is, to occasion as little private distress as possible, but the public service must take its course; and it is not to be expected that some cases of hardship will not be found in the extent of so great a measure." These last words indicate extensive numbers. Why did not the Governor-General, before he dared to strike at the fortunes of great numbers of his countrymen, declare and prove the evils which they produced? For what reason is it, let them declare who know what is understood, under such a government as ours, by the responsibility of the ruling few, that he

[1] Papers, ut supra, iii. 2. 3.—M. Despatches, i. 386.—W.

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has never yet been effectually called upon to account for such a conduct? The good which they were calculated to produce is obvious to all. The question still remains unanswered; What were the evils?[1]

The threat of Zemaun Shah, King of the Abdallees, or Afghans, became a convenient source of pretexts for urging upon the Vizir the projected innovations. This prince had succeeded his father Timur Shah, the son of the celebrated Ahmed Shah, the founder of the dynasty, in the year 1792. His dominions extended from the mouths of the Indus to the parallel of Kashmere; and from the boundaries of the Seikhs, at some distance eastward of the great river Attock, to the vicinity of the Persian Tershish; including the territories of Kabul, Kandahar, Peishere, Ghizni, Gaur, Sigistan, Korassan, and Kashmere. In the year 1796, this prince advanced to Lahore; and though his force was not understood to exceed 33,000 men, almost wholly cavalry, he struck terror into the Mahrattas; and excited alarm in the English government itself. The object of the Shah, as announced by rumour,[2] was, to re-establish the House of Timur, to which he was nearly related, and restore the true

[1] With a few exceptions, the Europeans who found their way to the native courts; whilst the system of exclusion from residence in the Company's territories without permission prevailed, were more adventurers, without capital or character, education or principle, who were recommended to the princes of India by a supposed fitness for military command, or an imagined influence with the authorities in England, which might be a check upon those in India. The evils resulting from the access of such persons in any numbers were sufficiently obvious, and had been abundantly experienced at Madras, Hyderabad, and Oude, and fully warranted the determination of the Governor-General to use all possible means for their prevention.—W.

[2] The announcement was much more than rumour. Letters from Zemaun Shah himself to the British Government, at successive periods, to Sir John Shore and to Mr. Lumsden. Wellesley Despatches, i. 670; Lord Mornington, also, writes to Mr. Dundas, "I have lately received a letter from Zemaun Shah, containing a declaration of his intention to invade Hindustan, and a peremptory demand of the assistance of the Nabob Vizir and of mine, for the purpose of delivering Shah Alem from the hands of the Mahrattas, of restoring him to the throne of Delhi, and of expelling the Mahrattas from their acquisitions on the south-western frontier of India. That the Shah entertains such a design is unquestionable, and whatever may be the result, it is prudent to be on our guard." Despatches i. 89. There is no doubt that Shah Zemaun seriously purposed the invasion of Hindustan, and that he repeatedly made a demonstration of carrying his purpose into effect. See Elphinstone's Cabul, Appendix, 565. Had he been a prince of vigour and talent, or had his authority been firmly established in his own dominions, the project might have been realized with little difficulty. The march of an effective Afghan force to Delhi would have produced a crisis in Hindustan, of which, although the result might have accelerated the extension of our power, yet the interval would have been a state of great anxiety, exertion, and expense. It was sound policy of the government, therefore, not only to prepare against, but, if possible, to prevent such an occurrence.—W.

faith in the empire of the Great Mogul. The Seikhs, it appeared, gave no obstruction to his march: the Mahrattas, from their internal distractions, were ill prepared to resist him: and, though they assembled a considerable army, which might have enabled them to dispute the possession of Delhi, or molest him in his retreat, it was still possible for him, in the opinion of the person then at the head of the English government, to advance to Delhi, even with so inconsiderable an army as that which he led to Lahore; in which case, he would have formidably threatened the British interests. The Rohillas, it was imagined, would join him; induced, not only by the affinities of descent and religion, and the cruelties which they had sustained at the hands of the English and Vizir; but, the Governor-General added, by the love of war and plunder; yet the truth is, that they devoted themselves to agriculture, whenever oppression would permit them, with an ardour and success of which India had no example; and their love of war and plunder meant only a greater degree of courage and vigour than distinguished the other races of the country.[1] The approach of the Shah, it was therefore apprehended, would spread the greatest disorders in the dominions of the Vizir. "The troops under Almas," who governed as renter, and defended that half of the dominions of the Vizir which was most exposed to the incursions both of the Mahrattas and Afghans, "were," says the Governor-General, "respectable. The other troops of the Vizir, with little exception, would rather have proved an incumbrance, than an assistance to the British forces; and nothing but the most urgent remonstrances would have ensured the exertions or supplies of the Vizir. His dominions would have been overrun with marauders; a total temporary stoppage of the collections would have ensued; and these disorders, if not speedily quelled, would have ended in general insurrection." On the measures to be adopted, Sir John Shore found it difficult to decide. The Mahrattas, excited by their fears, made proposals to

[1] The mistake is here repeated of confounding the two races who inhabited the province of Rohilcund, the Hindu indigenous population and the Afghan settlers, to whom the term Rohilla should properly be confined. The former were, no doubt, an industrious and agricultural people; the latter were more especially soldiers — soldiers of fortune, who, upon the occurrence of war and the prospect of plunder, would as certainly have recruited the armies of Zemaun Shah—W.

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the English for a union of forces against the Afghan. But the reduction of the power of the Mahrattas, Sir John would have welcomed as one of the most desirable events. On the other hand, Zemaun Shah, if crowned with success, would be still a greater object of dread. Again; if the Mahrattas, by their own exertions, prevailed over the Shah, they would gain a formidable increase of power. Or, if the French leader, who, in the name of Sindiah, now governed so great a portion of the provinces, at which the Afghans were supposed to aim, should, in the midst of commotion, raise himself to the sovereignty of the territories in dispute, this, to the mind of the Governor-General, appeared the most alarming consequence of all. Before the English government thought itself called upon for any great exertions, a rebellious brother of the Shah excited disturbance in his dominions; and recalled him early in 1797, from Lahore. The troops at the cantonments of Cawnpore and Futty-Ghur had, in the meantime, been ordered into camp; and two additional regiments of infantry had been raised. The Governor-General, indeed, imagined, that the march of the Shah to Lahore, with so limited a force, was rather an experiment than the commencement of an expedition; but the question was worthy of his attention whether it would have been easy for the King of the Afghans to come with a greater force. It was, too, after all, the opinion of the English ruler, that, though motives were not wanting to prompt the Shah to the invasion of Hindustan, it was, nevertheless, an event very little probable; and such as there would be little prudence in taking any costly precautions to defeat.[1]

In 1798, a belief, but solely derived from rumour,[2] of vast preparations making by the Afghan, for the invasion of India, was excited anew. The apprehensions, however, of the British government were allayed, by intelligence received toward the end of September, that the disturbances within the dominions of the Shah had compelled him to leave his capital and march to Kandahar. But this was speedily followed by reports, that the 10th of

[1] Minute of the Governor-General, 4th of July, 1797. See also Malcolm's Sketch, p. 210.

[2] This is a mistake, as shown in a preceding note: the information was positive. See also Minutes of the Governor-General, of August, 1798. Despatches, i. 188.

October was fixed for commencing his march from Kabul towards Hindustan; and though the authenticity of these reports was held very doubtful, the English government deemed it "their duty," according to their own expressions, "to take every precaution against the possibility of an event, which, combined with the designs of Tippoo and the French, might become of the most serious importance." Endeavours were used to prevail upon Doulut Rao Sindiah to return from the south, and put his dominions in the best posture of defence; and great hopes were expressed, that he would follow this advice. "The Governor-General also directed the Resident at the court of Sindiah," I use again the language of the Governor-General in council, "to enter into defensive engagements with that chieftain, upon his return to Hindustan, under such limitations and conditions, as might secure the effectual co-operation of the Mahratta army, with the least possible diversion of the British force from the exclusive protection of the frontier of Oude. His Lordship further directed the Resident with Sindiah to endeavour to provide the earliest resistance to the progress of the Shah, at the greatest practicable distance from the frontier of Oude, by encouraging the chiefs of the Rajpoots and Seikhs to oppose the first approach of the invading army."[1] In the month of October, the Commander-in-Chief was directed to prepare for such a disposition of the troops in the upper provinces, and such military operations in general, as would most effectually secure that part of the British frontier against an attack from the Afghans. The proposition of the Commander-in-Chief was approved, for adding to the army two regiments of native infantry, for the movement of five companies of native invalids to Chunar, and of five other companies to Allahabad; and for assembling a force to cover the city of Benares. The Resident at Lucknow was desired "to urge to the Vizir," these are the words of the official despatch, "the necessity of collecting as large a body of artillery, infantry, and cavalry, as possible, to be placed, if necessary, under the directions of an European officer, and to be employed in the manner suggested by the Commander-in-Chief:" also, to take immediate measures for sending such a supply of

[1] Papers, ut supra, ii. 36.

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grain to Allahabad as the commanding officer in the field might prescribe, and for obtaining the orders and assistance of the Vizir in despatching, whenever it should be requisite, all the boats not required for the service of the army.

Notwithstanding the hopes, however, which had been fondly entertained of a defensive alliance with Sindiah, the authorities in India write to the authorities in England in the following terms: "From the letter to the Resident with Dowlut Rao Sindiah, dated the 26th of October, you will observe, that Sindiah's continuance at Poonah, the dissensions and disaffection which prevail among his commanders, and the unsettled and precarious state of his authority in Hindustan, have prevented our taking any further steps for carrrying the intended arrangements into effect." It was in the beginning of October that the authorities in India delivered it to the authorities in England, as their opinion, that the greatest advantages would arise from a connexion with Sindiah. Before the end of the same month, they find the circumstances of Sindiah to be such, that no further steps for carrying the intended arrangements into effect are accounted advisable.[1] Again; the inability of Sindiah, from the disaffection of his commanders, and the tottering state of his authority, were now made the foundation on which measures of policy were built. After an interval of not many months, the necessity was urged, of draining the whole resources of the British state, to make war upon him. The fact appears to be that Sindiah knew the improbability of being invaded by the Shah; and though such invasion would bring on him greater evils than it would bring on the government of any other state, he chose to remain at Poonah, for the promotion of those objects of which he was there in eager pursuit.

"Under these circumstances," say the authorities in India, "we have judged it expedient to determine, that in the event of Zemaun Shah's approach to the frontier of our ally the Vizir, our military operations shall be confined to a system of defence; and we have resolved that our arms shall, in no case, pass the limits of his Excellency's dominions, unless such a forward movement shall

[1] Papers, ut supra, p. 36, 37.

be deemed by the commanding officer necessary for the protection of the frontier, either of Oude, or of our own dominions."[1]

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After producing all this preparation and expense, the Shah, who, it seems, had again advanced as far as Lahore, began his retreat on the 4th of January: and Shah Aulum was informed by a letter from the Afghan Vizir, that no intention remained of prosecuting the expedition into Hindustan that year, but the helpless Mogul might look forward to a more prosperous issue, at some future period. The cause of the retreat was reported, and believed, to be, the alarming progress making by the brother of the Shah at the head of a military force in the neighbourhood of Herat.[2]

In the month of September, Mr. Duncan, the Governor of Bombay, had made the following communication to the Governor-General. A personage, of the name of Mehidi Ali Khan, had intimated, that, as he was about to make a journey into Persia, it might be in his power, and if properly authorized, he had confident hopes that it would be in his power, to excite the Persian rulers, by threatening or attacking the western part of Afghanistan, to divert the Shah from his projected invasion of Hindustan. The fact was, that Baba Khan,[3] then King of Persia, had espoused the cause of Mahmood, the brother of Zemaun, as the elder son, and hence the rightful heir of the late monarch: and had already threatened, if not attacked, the province of Khorassan. Mehidi Ali Khan was intrusted with a mission, the objects of which, as they fell in with the existing politics of the Persian government, were successfully attained. This, however, was not enough to satisfy a

[1] Papers, ut supra, ii. 37.

[2] Papers, ut supra, p. 38.—M. Shah Mohammed, the brother of Zemaun Shah, by a different mother, who was governor of Herat at the time of his father's death, was left in possession of his government upon his acknowledging Zemaun Shah as his sovereign. He subsequently engaged in repeated insurrections against the king in 1794, 1797, and 1799, and these attempts, although unsuccessful, had the effect of suspending Shah Zemaun's designs upon India, and recalling him from the advance he had made towards their fulfilment. The last rebellion of Mohammed, in 1800, placed him, for a season, on the throne of Kabul. Elphinstone's Append. 575. Conolly's Travels, ii. 262.—W.

[3] Baba Khan was the name of the prince, who upon his accession to the throne of Persia, in 1797, took the title of Futteh Ali Shah, by which designation he is better known. Mohammed was not the rightful heir to the throne of Kabul.

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mind, which longed to do every thing in magnificent style; and the Governor-General prepared a splendid embassy to the court of Baba Khan. Captain Malcolm, who had lately been assistant to the resident at Hyderabad, was chosen, for his knowledge of the language, and other accomplishments, to conduct the negociation. "The embassy," to use the words of the negotiator, "was in a style of splendour corresponding to the character of the monarch, and the manners of the nation, to whom it was sent; and to the wealth and power of that state from whom it proceeded" a language this, which may be commonly interpreted, lavishly, or, which is the same thing, criminally, expensive. The negotiator continues: "It was completely successful in all its objects. The King of Persia was not only induced by the British envoy to renew his attack upon Khorassan, which had the effect of withdrawing Zemaun Shah from his designs upon India; but entered into treaties of political and commercial alliance with the British government."[1] The embassy proceeded from Bombay on the 29th of December, 1799; and the terms of the treaties were fixed before the end of the succeeding year. It was stipulated, That the King of Persia should lay waste, with a great army, the country of the Afghans, if ever they should proceed to the invasion of India, and conclude no peace without engagements binding them to abstain from all aggressions upon the English: That should any army, belonging to the French, attempt to form a settlement on any of the islands or shores of Persia, a force should be employed by the two contracting states to co-operate for their extirpation; and that if even any individuals of the French nation should request permission to reside in Persia, it should not be granted. In the firmaun, annexed to this treaty, and addressed to the governors and officers in the Persian provinces, it was said: "Should ever any person of the French nation attempt to pass your ports or boundaries; or desire to establish themselves, either on the shores or frontiers, you are to take means to expel and extirpate them, and never to allow them to obtain a footing in any place; and you are at full liberty, and authorized, to disgrace and slay them." Though the atrocious part of this order was, no

[1] Malcolm's Sketch, p. 317.

doubt, the pure offspring of Persian ferocity; yet a Briton may justly feel shame, that the ruling men of his nation, a few years ago, (such was the moral corruption of the time!) could contemplate with pleasure so barbarous and inhuman a mandate, or endure to have thought themselves, except in a case of the very last necessity, its procuring cause. On their part, the English were bound, whenever the King of the Afghans, or any person of the French nation, should make war upon the King of Persia, "to send as many cannon and warlike stores as possible, with necessary apparatus, attendants, and inspectors, and deliver them at one of the ports of Persia."[1] The evil of this condition was, that binding, not merely for a single emergency, it tended to involve the English in all the quarrels between the King of Persia and a neighbouring people, with whom it was very unlikely that he would almost ever be at peace: and thus extended more widely than ever those fighting connexions, which the legislature had not only prohibited, but stigmatized, as contrary at once to the interests and the honour of the nation. The commercial treaty was of slight importance, and aimed at little more than some security from the ill-usage to which in barbarous countries merchants are exposed, and some improvements in the mode of recovering the debts, and securing the property of the English traders. On the attainment of these points, the envoy himself, as natural, sets the highest value. "These treaties," he tells us, "while they completely excluded the French from Persia, gave the English every benefit which they could derive from this connexion." He adds, "Nor can there be a doubt, that if this alliance had been cultivated with the same active spirit of foresight and penetration with which it was commenced, it would have secured the influence of the British government in that quarter from many of those attacks to which it has subsequently been exposed."[2] It would have been good, if the envoy had shown, in what advantage the British government could find a compensation, for the expense of upholding such a connexion at the court of Persia.

[1] See Collection of Treaties, &c. between the East India Company and the Asiatic Powers; also the Appendix to Malcolm's Sketch.
[2] Malcolm's Sketch, p. 318.

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The result, in regard to the Afghans, is necessary to be known. The year 1800 was spent, partly in war, partly in negotiation, between the King of Persia and Zemaun Shah. In the year 1801, Mahmood, the rebellious prince, collected such a force, as enabled him not only to defeat his brother, but to render him a captive.[1]

To grant a residence to Vizir Ali, the deposed Nabob or Nawaub of Oude, at a place so near his former dominions as Benares, was not regarded as a measure of prudence, and he had been made acquainted with the resolution of removing him to Calcutta. He viewed the change with the utmost aversion; but all his remonstrances against it had proved in vain; and the time was now approaching, the preparations were even made, for carrying it into execution.

On the morning of the 14th of January, 1799, he paid a visit, by appointment, accompanied by his usual suite of attendants, to Mr. Cherry, the British Resident, at his house, distant about three miles from Benares. After the usual compliments, he began to speak of the hardship of his coercive removal; and proceeded first to warmth, at last to intemperance of language. Mr. Cherry, whose attentions were understood to have gained his personal favour, is said to have gently attempted to repress his indiscretion, and to remind him that he, at least, was not the proper object of his resentment; when the impetuous youth, with sudden or premeditated frenzy, started from his seat, and made a blow at him with his sword. This, by the law of Eastern manners, was a signal to his attendants, with or without concert; and in an instant their swords were unsheathed. Mr. Cherry endeavoured to escape through a window, but one of the attendants, reaching him with his poignard, struck him lifeless on the floor. Two other gentlemen in the room being murdered, the assassins hurried to the houses of other Englishmen; but, sacrificing only two other lives in their progress, they were so vigorously resisted by a gentleman, who possessed himself of a narrow staircase, and defended himself against their ascent, that time was given for the arrival of a party of horse, upon which they immediately betook themselves to flight. So little pre-

[1] Papers, ut supra, p. 22, 23.

paration had Vizir Ali made for this explosion, that he was obliged to leave behind him whatever property he possessed; the furniture of his zenana, his elephants, and even a part of his horses. He retired to the woody country of Bhotwal, where he was joined by several disaffected Zemindars.

The news of this outrage excited considerable emotion at Lucknow, where it was regarded as the eruption of a conspiracy for the overthrow of the government; a conspiracy in which it was unknown to what extent the subjects of Saadut Ali might themselves be concerned. That ruler, in whose character timidity predominated, and who knew that he was hated, suspected every body, even his troops, and prayed that the English battalion might be sent from Cawnpore for the protection of his person. When called upon to join with his forces the British army, for the chastisement of the offender, he found an excuse, which his avarice, his timidity, his desire of ease, and hatred of exertion, all combined in leading him eagerly to adopt. He stated his suspicions of his troops, and represented them as too void, both of discipline and of fidelity, for any advantage to be expected from their aid. He afterwards paid dear for his ingenuousness, when this representation was brought forward as a reason for thrusting upon him measures which his soul abhorred.

Notwithstanding the representations of the former Governor-General, Sir John Shore, that the people of Oude universally regarded Vizir Ali as destitute of all title to the crown, the grand alleged fact, upon which he grounded the important decision of deposing a sovereign, and naming his successor; the Marquis Wellesley, in a letter to the Resident, dated the 22nd of January, 1801, expressly says, "Active and *general* support has been afforded, by the subjects of his Excellency, to the impostor who lately assumed the name of Vizir Ali."[1] It also appears that of the troops of the Vizir, which were required to assist in reducing the disturber, a part in reality joined his standard.

He found himself in a short time at the head of an

[1] Papers, ut supra, iii. 146.—M. This does not prove that Vizir Ali was popular when Sir J. Shore wrote; the contrary was no doubt the case. It only proves what was uniformly admitted, the unpopularity of Sadut Ali, in consequence of his parsimony and financial exactions.—W.

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army of several thousand men; descended with them into the plains of Gorukpoor, the eastern district of Oude; and threw the whole kingdom into trepidation and alarm. A British force was assembled to oppose him. Some partial rencounters, in which they suffered pretty severely, and the narrow limits for subsistence or plunder to which they were reduced, soon disheartened his followers; when they abandoned him in great numbers; and he himself took refuge with a Rajpoot Rajah. He remained with him till the month of December following; when the Rajpoot made his terms with the British government, and treacherously delivered up Vizir Ali, who was carried to Fort William, and there confined.

In the month of January, 1799, the Governor-General addressed letters to the Vizir, and to the Resident at Lucknow, of which the object was to urge, what he was pleased to denominate a *reform* of the military establishment of the Vizir. The London authorities themselves, in the letter which they afterwards wrote on the 15th of May, 1799, expressing their great satisfaction with the arrangements in Oude which had been formed by Sir John Shore, and with the disposition shown by the Vizir, both to make the large pecuniary payments which were required at his hands, and to introduce the reforms into his financial system which would alone enable to meet those demands, alluded to his military expenditure in the following terms: "The large, useless, and expensive military establishment, within the Oude dominions, appears to us to be one of the principal objects of *economical reform*, and we have much satisfaction in finding that the subject has already come under your consideration."[1] In his letter to the Resident, the Governor-General says, "My object is, that the Vizir should disband, as speedily as possible, the whole of his military force." The next part of the plan was to replace that force by an army exclusively British. This was what the Governor-General, with other Englishmen, called a *reform* of the military establishments of the Vizir: the total annihilation of his military power, and the resignation of himself and his country to the army of another state. The Vizir was indeed to retain as many, as might be necessary, of that kind of troops which

[1] Papers, ut supra, i. 3.

were employed in collecting the taxes; and as many as might be necessary for the purposes of state: an establishment of the sort which his own aumils, or tax-gatherers, enjoyed.

The Resident was instructed to avail himself of the alarm into which the timidity of the Vizir had been thrown by the rumours of the expedition of the King of the Afghans, to urge upon him the necessity of a ready concurrence with the Governor-General's views. "You will," says the letter, "remind his Excellency, that his military establishment was represented, by himself, to be not only inadequate to contribute any assistance towards the defence of his dominions; but that, at the moment when the services of the British army were most urgently demandod on his frontier, he required the presence of a part of that force in his capital, for the express purpose of protecting his person and authority against the excesses of his own disaffected and disorderly troops. The inference to be drawn from these events is obviously, that the defence of his Excellency's dominions against foreign attack, as well as their internal tranquillity can only be secured, by a reduction of his own useless, if not dangerous troops, and by a proportionate augmentation of the British force in his pay. I am convinced this measure might be effected with a degree of advantage to his Excellency's finances, little inferior to that which it promises to his military establishments; and that his Excellency might obtain from the Company a force of real efficiency at an expense far below that which he now incurs in maintaining his own army in its present defective condition."

"The *Vizir*," says the Governor-General, "might obtain a force:" when the force was to be the Company's, and the Vizir to have no force. In the very same letter, "It is not my intention," says the Governor-General, "that the British force to be furnished to his Excellency should become a part of his own army. The British force to be substituted in place of that part of his Excellency's army which shall be reduced, will be in every respect the same as the remainder of the Company's troops, and will be relieved from time to time according to the orders of the Governor-General in council."

The negotiations respecting this affair appeared to the

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Governor-General so important, that he was unwilling to intrust them to the qualifications of the Resident, Mr. Lumsden. Colonel Scott had attracted his confidence and esteem; and he resolved that to him the trust should be consigned. "As I am aware," said he, in the same letter, to the Resident, "that you will require the assistance of some able military officer in the execution of the arrangement proposed, I have requested Sir A. Clark to dispense with the services of Lieutenant-Colonel Scott, the Adjutant-General, who will be directed to proceed to Lucknow immediately, and to remain there for as long a period as may be necessary to the accomplishment of the objects which I have in view."[1] In consequence of this intimation, Mr. Lumsden resigned; and Colonel Scott was appointed to the office of Resident.

Colonel Scott proceeded to Lucknow in the month of June, bearing a letter from the Commander-in-Chief, executing at that time, in the absence of the Governor-General, the office of Vice-President of the Supreme Council. The Nawaub was desirous to postpone, rather than accelerate, all discussion upon a project, of which, although he was not yet acquainted with its particulars, the result, he was sufficiently aware, would be a large reduction of his power: and Colonel Scott appears to have been willing to employ some time in making himself acquainted with the situation of affairs, before he strongly pressed upon the Vizir the annihilation, called the reform, of his military establishment. To the usual causes of disorder and misrule, was at this time added another, in the suspension of the powers of the ministers, or principal organs of government, whom, having been appointed under English authority, the Vizir dared not remove, but from whom he withheld his confidence, and the management of his affairs. A circumstance, too, which peculiarly attracted the attention of the Resident, was the hatred and contempt in which the Nabob himself was held by his subjects. "The information," says he, "which your Lordship has received, of the unpopularity of his Excellency, is probably far short of the real state; as, confined to the court, the only persons who attend the Durbar, excepting the Nawaub's own sons, and occasionally Almas

[1] See the Letter, with that to Sir A. Clarke, in papers, ut supra, iii.4—6.

Ali Khan, are a few pensioners, of whom his Excellency, from their known character, entertains no suspicion of engaging in politics; and it has not been without some difficulty that I have prevailed on native gentlemen of respectable connexions to show themselves at the Durbar. —The present state of things, so degrading to the character of the Nawaub, so prejudicial to his own real interests, and to the welfare of his country; and, I may add—so discreditable to the English name, obviously calls for a radical reform. Major Scott's ideas of "a radical reform," however, were all summed up in these words, "An open, efficient, and respectable administration." Even this, however, he despaired of being able to establish without the immediate interference of the head of the English government. "The evident design of the Nawaub," he declared, "is to temporize and delay, that he may enjoy as long as possible the fruits of the present system of secret agency and intrigue."[1]

On the 8th of September, the Resident writes to the Governor-General, that, as soon after his arrival as practicable, he had presented to the Nawaub Vizir the letter from the Vice-President, on the subject of the military reform; that he had delivered to him a brief outline of the intended plan, and requested to receive his answer as soon as it had received a due degree of his consideration; that after more than twenty days had elapsed, he had requested a communication from the Vizir, who named the third day succeeding the date of the letter he was then writing, to converse with him on the subject.

According to the usual style of oriental politeness, which permits no direct contradiction or negative to be applied to any proposition from an exalted man, the Nawab began by saying, "That the measure proposed was not impracticable, but such as he hoped might be accomplished:" he then observed, that he himself had, however, a proposition to offer, which he would either communicate to the Governor-General, when he should honour Lucknow with his presence, or to the Resident, if he should be intrusted with the execution of the scheme. He was pressed to disclose the nature of his proposition; but in vain. He

[1] Letter to the Governor-General, dated 7th September, 1799; papers, ut supra, p. 10.

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said he would call in two days, and dictate to the Resident a memorandum on the subject, to be transmitted to the Governor-General; but this, when it was given, indicated no more, than that "the proposition concerned himself personally, that it connected with his own ease the prosperity of his government, and in its operation could be prejudicial to no person."[1] The removal of the minister was the object at which, by the Resident, he was supposed to aim.

On the 20th of the same month, the Resident held it necessary to explain still further the discoveries which he was enabled to make of the disposition and views of the Vizir. "After attentively studying the character of his excellency, and acquainting myself, as far as circumstances will allow, with the general tenor of his proceedings, I am led to conclude that whilst he is determined to fulfil, with minute regularity, the peculiar engagements with the Company, his views are directed to the enjoyment of a full authority over his household affairs, hereditary dominions, and subjects, according to the most strict interpretation of the clause of the seventeenth article of the treaty executed at Lucknow.—I have no conception that he aspires, either now or in prospect, to political independence. What he aims at is independent management of the interior concerns of his dominions, to the exclusion of all interference and inspection on the part of the English government, and to the gradual diminution of its influence over the internal administration of his country." It was only on one account, the cruel and destructive mode in which the country was governed, that the Resident thought the interference of the English government was to be desired, "since the exercise of it," says he, "does not seem to have been intended by the late treaty, and is unequivocally disavowed by several declarations to his predecessor." He had not thought it fitting, except in the way of allusion, to agitate again the subject of the military reforms.[2]

Notwithstanding the right which clearly belonged to the Nawab, of exercising without control the interior government of his country, the Governor-General, by a letter dated 26th of September, says, "The present condition of

[1] Papers, ut supra, p. 14. [2] Ibid. p. 15, 16.

his government appears to preclude you from the information necessary to your first steps in the proposed reforms." This refers to the complaints of the Resident, that the Vizir carried on his administration by secret agents, not by the ostensible ministers; whence it happened that the Resident found no person qualified to give him the information which he required. "I shall hope," continued the Governor-General, "that my applications to the Vizir would remove every difficulty of this nature.—But, if I should be disappointed in this expectation, it will then become necessary for you, in my name, to insist, that the Vizir shall place his government in such a state, as shall afford you the requisite means of information, as well as of carrying the intended regulations into complete and speedy effect." He adds, "The great and immediate object of my solicitude is, to accomplish the reform of his Excellency's military establishment:—and accordingly, this point must be pressed upon him, with unremitted earnestness. His acquiescence in the measure must, however, be totally unqualified by any conditions not necessarily connected with it."[1]

The Vizir procrastinating both the disclosure of his secret, and compliance with the proposition for the annihilation-reform of his military establishment, the Governor-General addressed him by letter on the 5th of November.[2] "The general considerations which render it extremely necessary and desirable that the arrangement respecting your military establishment should be carried into execution without delay, have already been fully explained to your Excellency, and you have concurred with me in my view of the subject. One argument in favour of a speedy determination on this subject possibly may not have occurred to your mind, and I therefore take this occasion explicitly to state it to your Excellency." This argument was; that the Company were bound by treaties to defend the dominions of his Excellency against all enemies; that his dominions were threatened by Zemaun Shah, and perhaps by others; that "it might not be in the power of the British government, on a sudden emergency, to reinforce the troops in his Excellency's country with sufficient expedition; my firm opinion," continues the Governor-

[1] Papers, ut supra, p. 16, 17. [2] Despatches, ii. 132.

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General, "therefore is, that the Company can in no other manner fulfil effectually their engagement to defend your Excellency's dominions, against all enemies, than by maintaining constantly in those dominions such a force as shall at all times be adequate to your effectual protection, independently of any reinforcements which the exigency might otherwise require."[1] This was, in other words, an explicit declaration, that the military force for the protection of Oude ought to be, at all times, even in the bosom of the most profound peace, at the utmost extent of a war-establishment; than which a more monstrous proposition never issued from human organs! As one of the most essential principles of good government consists in reducing the peace-establishment of the military force to its lowest possible terms, and one of the most remarkable principles of bad government consists in upholding it beyond the limits of the most severe necessity; so, few countries can be placed in a situation which less demanded a great peace-establishment, than the kingdom of Oude. On more than one half of all its frontiers, it was defended by the British dominions, or inaccessible mountains. On the other half, it was not supposed in any danger of being attacked, except, either by the King of the Afghans, who was separated from it by the extent of several large kingdoms; or by the Mahrattas, who were too distracted and weak to be able to defend themselves. A peace-establishment in Oude, at the perpetual extent of a war-establishment for defence against the Afghans, would be very little more than matched by a proposition for a perpetual war-establishment in England, for fear of an invasion from the Turks.

Coercion was now to be employed; and the plan of it was this: without any further regard to the consent of the sovereign, British troops, to the proposed amount, were to march into the country: the sums required for their maintenance were to be immediately demanded: and the want of ability otherwise to comply with the demand would compel him, it was supposed, to relieve himself from the expense of his own army, by putting an end to its existence.

On what ground of justice was this proceeding built?

[1] Papers, ut supra, p. 24, 25.

The Governor-General exhibited an argument: "The seventh article of the treaty, concluded with your Excellency, by Sir John Shore, provides for the *occasional* augmentation of the Company's troops in your Excellency's dominions, in terms which evidently render the Company's government competent to decide at all times on the requisite amount of such augmentation. The same article binds your Excellency to defray the expense of any force which shall be deemed necessary by the Company for your defence."[1] The same argumentation was, by his Lordship's military secretary, repeated, more at length, to the Resident.

The treaty, concluded between the English government and the Nawaub, by Sir John Shore, clearly established two points, with regard to the military force to be maintained at the expense of the Sovereign of Oude; that there should be a certain regular, permanent establishment; and also a power of making occasional augmentations. Enough; said the Governor-General, and his instruments; let the occasional augmentations be made the permanent establishment. When this point was settled, all the benefit was attained of arbitrary will; for, as the amount of these augmentations was not specified, it remained with the Governor-General, upon the foundation of a treaty which exactly defined the permanent establishment, to make that permanent establishment any thing which he pleased. Such is the logic of the strong man towards the weak.

Before this letter, written on the 5th of November, could be received by the Resident, and delivered to the Vizir, namely, on the 12th of the same month, the measure of which he had before announced the contemplation, and which he had hitherto preserved a mysterious secret, was disclosed. He had already, on several occasions, given vent to expressions of impatience, in regard to the difficulties of his government, and the inability under which he found himself placed of commanding the respect or obedience of his subjects. These expressions had been so pointed as sometimes to raise in the mind of the Resident a conjecture, that he was meditating a plan of retreat from the burdens of government. But at the same time, regulations of state were projected, buildings were planned,

[1] Papers, ut supra, p. 25.

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household arrangements were formed, and other things went on, so much in unison with views of permanency, that the Resident would not encourage the conjecture which sometimes presented itself to his mind. Having appointed the morning of the 12th, to meet with him on business of importance, the Vizir, says the Resident, "began by observing that he had frequently declared to me the impossibility of his conducting the affairs of his country, under existing circumstances; that probably I had not comprehended the full drift of these expressions, or conceived they were uttered in a moment of ill-humour; that the real meaning of them was an earnest desire to relinquish a government which he could not manage with satisfaction to himself, or advantage to his subjects." He added, in the course of the conversation, "That his mind was not disposed to the cares and fatigues of government; that as one of his sons would be raised to the musnud, his name would remain; and that he was possessed of money sufficient for his support, and the gratification of all his his desires in a private station." In a second conversation, on the morning of the 14th, the Vizir entered into some further explanation of the motives which impelled him to the design of abdication, which "consisted," says the Resident, "in general accusations against the refractory and perverse disposition of the people at large; of complaints of the want of fidelity and zeal in the men immediately about his person; of the arrogance of some of the aumils, and of the open disobedience of others."

"Whatever pleasure," says the Resident, "this exposure of his intentions afforded to myself, and whatever eventual benefits I foresaw to the interests of the two states, from the execution of them, I thought it my duty to expostulate with his Excellency, on so extraordinary resolution, by such arguments as occurred to me on the occasion. I replied that the remedy to this aggregate of evils was easy, and within his own power; that a strong and just administration would ensure the obedience of the bulk of his subjects on the firm principle of attachment to his person and government; that a conciliatory and encouraging conduct on his part would secure fidelity and enliven zeal; that the reform of the military establishment was the specific measure that would curb the arrogance of the aumils:

and in conclusion I pledged myself, if his Excellency would reject the advice of interested favourites, and be guided by the impartial and friendly counsel which your Lordship would convey to him through me, that the affairs of his government could be conducted with ease to himself, to the acquisition of a high reputation, and to the prosperity and happiness of his subjects."

To a question in regard to the military reform, the Vizir replied, that, under his determination of resigning the government, all discussion of that subject was useless. In this opinion the Resident acquiesced; and he deemed it for the present, inexpedient to produce the Governor-General's letter of the 5th. With respect to the treasures and jewels left by the late Nawaub, he desired instruction; as from the expressions of the Vizir, and his character for avarice, he thought it was probably his intention to carry them along with him to the place of his retreat.[1]

The pleasure, which the Resident expressed, at the prospect of the Nabob's abdication, was faint, compared with the eagerness of the Governor-General in grasping at the prey. "I am directed," says the military secretary, under date of the 21st of the same month, "by the Right Honourable the Governor-General, to acknowledge the receipt of your letters of the 12th and 14th instant.

"His Lordship is preparing detailed instructions to you, for the regulation of your conduct under the delicate and important circumstances stated in those letters. In the mean time he has directed me to communicate to you his sentiments on such parts of your despatch of the 12th instant, as appear to his Lordship to require immediate notice.

"The proposition of the Vizir is pregnant with such benefit, not only to the Company, but to the inhabitants of Oude, that his Lordship thinks it cannot be too much encouraged; and that there are no circumstances which shall be allowed to impede the accomplishment of the grand object which it leads to. This object his Lordship considers to be the acquisition by the Company of the exclusive authority, civil and military, over the dominions of Oude.

"His Lordship does not consider the formal abdication

[1] Papers, ut supra, p. 27—31.

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of the sovereignty by the Vizir to be necessary to this end. On the contrary, he apprehends, that step, by necessarily raising a question with regard to the succession, would involve us in some embarrassment. His Lordship is rather of opinion, therefore, that the mode of proceeding on the proposition of the Vizir, must be, by a secret treaty with his Excellency; which shall stipulate, on his part, that from and after a period, to be appointed by this government, the complete authority, civil and military, of the dominions of Oude shall vest in, and be exercised by and in the name of, the Company.

"In this treaty his Lordship proposes, that the sons of the Vizir shall be no further mentioned than may be necessary for the purpose of securing to them a suitable provision.

"With respect to what you have stated, relative to the wealth of the state, if the arrangement in the contemplation of the Governor-General should be agreed to by the Vizir, his Lordship will feel but little difficulty in allowing his Excellency to appropriate it to his own use, stipulating only on behalf of the Company, that all arrears of subsidy, or of whatever description, due to the Company, shall be previously discharged in full by his Excellency."[1]

"In conformity with these ideas, the draught of a treaty was speedily prepared, and sent to the Resident, accompanied by notes for a memorial explanatory of the grounds of the several articles. The ardour of the Governor-General embraced the object as accomplished, or sure of its accomplishment. In pursuance of orders, the Commander of the troops in Oude delivered in what was entitled a "Memoir of the Precautionary Movements, and Distribution of the Company's Troops, for the purpose of establishing the exclusive Control and Authority of the Company over the Dominions of Oude."[2]

In the transmission of intelligence, receipt of instructions, and other preparatives, time was spent till the 15th of December; on which day, the plan of the Governor-General, in relation to the measure of abdication, was communicated for the first time to the Vizir, in the matured form of the draught of a treaty. After remarking upon the calmness with which the Vizir perused the

[1] Papers, ut supra, p. 31, 32. [2] Ibid. p. 40—48.

treaty, and his observations upon some inferior points, "His Excellency," the Resident, says, "who had not thoroughly comprehended the extent of the first article, asked what meaning I annexed to it. Referring him to the article itself, I replied, that it vested the whole administration of the country in the hands of the English Company. He then asked, what portion of authority was to remain with his successor; to which I replied that the plan did not provide for a successor. His Excellency continued his inquiries, by asking, whether a family which had been established for a number of years, was to abandon the sovereignty of its hereditary dominions? I replied that your Lordship's justice and liberality had made an ample provision for the comfort and independence of that family; and briefly explained the consideration which had induced your Lordship to stipulate that his Excellency should commit the sole and exclusive administration of Oude to the Company in perpetuity." From this conversation, the Resident adds, "I can hardly venture to draw any conclusion: and shall, therefore, only observe, that though his Excellency is perfectly master of concealing his passions, yet, if he had entertained an immovable repugnance to the basis of the treaty, he could scarcely have disguised it under smiles, and an unaltered countenance."[1]

A paper drawn up at the request of the Vizir by the Resident, and afterwards altered by the Vizir to a correspondence with his own feelings, was transmitted to the Governor-General, as the authentic enunciation of his design of abdication.[2] In answer to this, a very long paper, dated the 16th December, was received from the Governor-General. The purpose of this document was to corroborate the ideas on which, in the mind of the Vizir, the plan of abdication was supposed to be founded; and to convince him of the impossibility of reconciling his design with the appointment of a successor, or any other scheme than that of transferring the undivided sovereignty of the country to the English.[3]

[1] Papers, ut supra, p. 53.

[2] It was a memorandum of the result of the conversation held with the Resident, drawn up in Persian, and approved of, with some corrections, by the Vizier. Dispatches, ii. 152.—W.

[3] This is a very unfair view of the scope of the document in question, the

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On the 19th of December, the Resident again wrote: "After my departure from the Nawaub Vizir, on the 15th instant, his Excellency either really was, or pretended to be, so much affected by the conversation, that he could not conceal the perturbation of his mind, which he betrayed, by forbidding the customary visits, and by refraining to transact any of the ordinary business. Although there is no reason to suspect that he has disclosed the cause of his uneasiness; yet this conduct so indiscreet, so unmanly, necessarily occasioned much talk and speculation amongst his own dependants, and the inhabitants of the city.

"His Excellency, on the 17th, informed me of his intention to breakfast with me on the following morning; but at ten o'clock sent a message, that having been in the sun, his eyes were so much affected by a disorder he is liable to, that he could not fulfil his engagement that day, but would call upon me this morning. He accordingly came, and when entered into a private apartment, opened the conversation by observing, that in the paper transmitted to your Lordship, he had adverted to certain circumstances and causes, under the existence of which he found it impossible to conduct the affairs of his government; and that he entertained the hope that your

main tendency of which was to deter Sadut Ali from carrying his intentions into effect. It states frankly and undeniably the difficulties by which his abdication would be followed, and shows that they could only be met by the assumption of the whole power by the British Government. But it also explicitly states, that if he should abdicate, he must not expect to take with him the whole of his accumulated wealth, but that he must discharge all arrears due by the Government of Oude, and leave a sufficiency of supply for the immediate wants of his successor. It must have been quite certain that this would put an end to the project. Sadut Ali's ruling passion was avarice; he loved power only as the means of amassing wealth: for any other purpose he detested it. His habits were those of a private individual, not a prince; and the trouble and responsibility of his high station deprived it of all its attractions. There can be little doubt that he was in earnest in wishing to resign his principality if he could have enjoyed his treasures in security and retained the show of authority over a successor of his own nomination. The line of argument adopted by Lord Wellesley was most of all calculated to deter him from the execution of his design. In the despatches published there is no indication of that delight at his proposal, either on the part of the Resident or the Governor, which is described in the text. In his letter to the Court of Directors, informing them of the circumstance, he announces what no statesman will be inclined to censure, his intention to profit by the event to the utmost practicable extent, and adds, "I entertain a confident hope of being able either to establish, with the consent of the Vizier, the sole and exclusive authority of the Company within the province of Oude and its dependencies, or, at least, to place our interests there on an improved and durable foundation." Despatches, ii. 186.—W.

Lordship would have called upon him for an explanation of those circumstances and causes.

"His Excellency proceeded, that the proposition offered by your Lordship was so repugnant to his feelings; departed so widely, in a most essential point, from the principle on which he wished to relinquish the government; and would, were he to accept it, bring upon him such indelible disgrace and odium, that he could never voluntarily subscribe to it. The sovereignty, he added, of these dominions, had been in the family near a hundred years; and the transfer of it to the Company, under the stipulations proposed by your Lordship, would, in fact, be a sale of it for money and jewels; that every sentiment of respect for the name of his ancestors, and every consideration for his posterity, combined to preclude him from assenting to so great a sacrifice for the attainment of his personal ease and advantage. His Excellency concluded, that the power and strength of the Company placed every thing at your Lordship's disposal.

"Upon stating to his Excellency all the arguments suggested by your Lordship against the nomination of a successor, his Excellency replied; that under your Lordship's determination not to consent to that part of his proposition, he was ready to abandon his design of retirement, and to retain the charge of the government."

If this resolution was adopted, the Resident called to his recollection, the reform of his military establishment, the accomplishment of which would be immediately enforced. "I must here," says the letter of the Resident, "beg leave to call your Lordship's particular attention to his reply on this point; as tending to discover his real sentiments; and perhaps the true meaning of the words 'certain causes,' so repeatedly dwelt upon, and so industriously concealed. His Excellency observed, that the reform of his military establishment upon the principles proposed by your Lordship, would annihilate his authority in his own dominions."[1]

Intelligence of these declarations on the part of the Vizir appears to have disappointed and provoked the Governor-General in no ordinary degree. On the 27th of December, the Secretary writes: "My dear Scott, I am

[1] Papers, ut supra, p. 62.

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directed by Lord Mornington to acknowledge the receipt of your letter of the 19th instant to his Lordship's address. His Lordship is extremely disgusted at the duplicity and insincerity which mark the conduct of the Nabob Vizir on the present occasion; and cannot but strongly suspect, that his Excellency's principal, if not sole, view in the late transaction, has been to ward off the reform of his military establishment, until the advanced period of the season should render it impracticable, at least during the present year." [1] And in the letter of the Governor-General to the home authorities, dated the 25th of January, 1800, he says, "I am concerned to inform your honourable Committee that I have every reason to believe, that the proposition of the Nabob Vizir to abdicate the sovereignty of his dominions (a copy of which was transmitted with my separate letter of the 28th of November) was illusory from the commencement, and designed to defeat, by artificial delays, the proposed reform of his Excellency's military establishments." [2]

The truth is, that the vivacity of the Governor-General in the pursuit of his object was far too great. Had the sincerity of the Vizir been ever so indisputable, it was one thing to abdicate in favour of his son; a very different thing to abdicate in favour of the East India Company; and from a proposition to this effect, presented nakedly and impetuously, as that was of the Governor-General, it ought to have been expected that he would revolt. At the same time, it might have been regarded as probable, that if the externals of royalty were left to his son, he would be induced to dispense with the substantials. The Governor-General should have gone to Lucknow himself, when the imposing presence of his authority would have forcibly wrought upon a mind so timid, and accustomed to shrink before superior power, as that of the Vizir. The Governor-General, too, had so lately recognised the policy of setting up the shadow of a sovereign,[3] that the eagerness is the more remarkable, with which in this case he strove to escape from it. When the substance had been held for a time, it would have been easy to deal with the shadow, as experience might direct.

[1] Papers, ut supra, p. 67. [2] Ibid. v. 4.
[3] Vide supra, p. 162, (viz. the case of Mysore.)

Disappointed in his eager expectation, and piqued at the idea of having been duped, the Governor-General resolved to proceed in his plan for the military reform without a moment's delay. The reason for hurry was the greater, because the season approached when additional inconvenience would attend the movement of the troops. "The Resident," says the Governor-General himself, in another letter to the home authorities,[1] "was directed immediately, either from himself, or in concert with the commanding officer at Cawnpore, as the nature of the case might appear to him to require, to direct the several corps to move to such points of his Excellency's dominions, as might appear most advisable; giving due notice to his Excellency of the entrance of the augmentation of the troops into his territories, and calling upon his Excellency to adopt the requisite measures for the regular payment of the additional force.

On the 4th of January, 1800, "I informed," says the Resident, "his Excellency, that the first division of the troops, intended by your Lordship to augment the force in Oude, as stated in the paper which I had presented to him, was now in a situation immediately to enter his Excellency's dominions; and that I was anxious to advise with him on their destination. He entreated that no steps might be taken for their actual march into his dominions, until I had seen and reflected upon the sentiments which he was then employed in committing to paper, and upon some propositions he had to offer. I assured him it was totally impossible to delay the march of troops; but that, as it would require a day or two to arrange a place for their distribution, if his Excellency would, in that space, come forward, in an unreserved manner, with any specific propositions, I should be enabled to judge what weight to allow them, and how far they would authorize me to suspend the progress of the corps. His Excellency having observed that his assent had not yet been given to the augmentation of the troops, I explained to him the principle on which your Lordship's determination was founded. To which he replied, that, if the measure was to be carried into execution, whether with or without his approbation, there was no occasion

[1] Dated the 31st of August, 1800; papers, ut supra, v. 10.

for consulting him." To this last observation the Resident found it not convenient to make any answer, and immediately diverted the discourse to another point of the subject.[1]

On the 15th of January, the Nabob communicated to the Resident a paper in which he thus addressed him: "You, Sir, well know, that the proposed plan never, in any measure, met with my approbation or acceptance; and that, in the whole course of my correspondence with the Governor-General, on this subject, not one of my letters contains my acquiescence to the said plan."

He says again, "It may fairly be concluded from Lord Mornington's letters, that arrangements for the additional troops were not to take effect, until funds should be provided for their support, by the dismission of my battalions. Nothing having as yet been agreed upon, respecting the disbanding of the latter, and the additional Company's troops being on their march, whence are the funds to be derived for their payment? Their sudden approach, too, leaves no time to form arrangements for them."

"Notwithstanding," says he, "I am well assured that, in consequence of the measure, thousands of people may be deprived of their subsistence; and that, by the disbanding of my troops, serious commotions and alarms will take place in the capital (for which reason I give previous warning of its mischievous effects), yet, dreading his Lordship's displeasure, and with the sole view of pleasing him, I am compelled to grant my assent to the introduction of the plan."

He then proceeds to enumerate certain things, which he still desired, as conditions under which the measure, if unavoidable, might take its effect. The first was, that the augmentation of the troops should not be carried beyond the extent of his means. Another was, that the additional force should be kept in one body, and permanently stationed in one place, which would render it more efficient against Zemaun Shah, and other enemies, defence against whom was its only pretext. A further condition was, that the English commander should not interfere with the collection of the revenue. After several other propositions of minor importance, he said, "From the

[1] Papers, ut supra, iii. 73.

kindness of the Sircar of the Company I am led to expect, that, having, in the present instance, in order to avoid the Governor-General's displeasure, given my consent to the introduction, as far as possible, of the plan, I shall not in future be troubled with fresh propositions."[1]

On the 18th, a paper or memorial, the draught of which had been communicated to the Resident on the 11th, was despatched by the Vizir to the Governor-General. He began by adverting to the length of time his ancestors had enjoyed the unlimited sovereignty of these provinces. He described the dangers which had threatened the government of his brother, as well from foreign foes as the disaffection of his troops. "Notwithstanding," said he, "these circumstances, it never once entered the imagination of the British rulers to introduce such innovations, and carry into effect such arrangements, as those now suggested by your Lordship." He then described how completely he was the creature and dependant of the Company, and said "it was in all ages and countries the practice of powerful and liberal sovereigns to spare neither expense nor trouble in assisting those whom they have once taken under their protection. Should the Company," said he, "no longer putting confidence in the sincerity of my friendship, deprive me of the direction of my own army, and spread their troops over my dominions, my authority in the provinces would be annihilated; nor would my orders be attended to on any occasion, whether trifling or momentous. Making myself, however, sure," he adds, "that it never can have been your Lordship's intention, or conformable to your wish, to distrust, degrade me, or lessen my authority in these dominions, I shall without ceremony disclose to your Lordship my unfeigned sentiments and wishes." And he then proceeds to remonstrate against the measure by a train of reasoning, not unskilfully conceived. "By a reference," said he, "to the second article of the treaty, it will be evident to your Lordship, that on my accession to the musnud, the force designed for the defence of these dominions was increased beyond what it had been in any former period; whilst on my part I agreed to defray the expense of the said augmentation. But in no part of the said article is

[1] Papers, ut supra, iii. 77, 78.

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it written or hinted, that, after the lapse of a certain number of years, a further permanent augmentation should take place. And to deviate in any degree from the said treaty appears to be unnecessary.—From an inspection of the 7th article, we learn, that, after the conclusion of the treaty in question, no further augmentation is to be made, excepting in cases of necessity; and that the increase is to be proportioned to the emergency, and endure but as long as the necessity exists. An augmentation of the troops, without existing necessity, and making me answerable for the expense attending the increase, is inconsistent with the treaty, and seems inexpedient.—Towards the latter end of the 17th article, it is stipulated, 'that all transactions between the two states shall be carried on with the greatest cordiality and harmony, and that the Nawab shall possess full authority over his household affairs, hereditary dominions, his troops, and his subjects.' Should the management of the army be taken from under my direction, I ask where is my authority over my household affairs, hereditary dominions, over my troops, and over my subjects?—From the above considerations, and from the magnanimity of the Sircar of the English Company, I am induced to expect from your Lordship's kindness, that, putting the fullest trust and confidence in my friendship and attachment on every occasion, you will, in conformity to the treaty, leave me in possession of the full authority over my dominions, army and subjects.—The fame of the Company will, by these means, be diffused over the face of the earth; and, my reputation increasing, I shall continue to offer up prayers for the prosperity of the Company."[1]

This remonstrance, which it is impossible to answer, the Governor-General found, in the forms of ceremony, a pretext for treating as an insult; and for not answering it. The following communication, signed by the secretary, was forwarded by express to the Resident. "Your letter of the 18th instant, with its several enclosures, has been received by the Right Honourable the Governor-General.—His Lordship, not thinking proper to receive, in its present form the written communication made to you by the Nabob Vizir on the 11th instant, as an answer

[1] Papers, ut supra, iii. 87, 88.

to his Lordship's letter of the 5th November last to his Excellency—directs, that you lose no time in returning the original of that communication to his Excellency, accompanying the delivery of it with the following observations, in the name of the Governor-General:—The mode adopted in the present instance by his Excellency of replying to a public letter from the Governor-General, attested by his Lordship's seal and signature, and written on a subject of the most momentary concern to the mutual interests of the Company and of his Excellency, besides indicating a levity totally unsuitable to the occasion, is highly deficient in the respect due from his Excellency to the first British authority in India:—His Lordship, therefore, declines making any remarks on the paper which you have transmitted, and desires that the Nabob Vizir may be called on to reply to his Lordship's letter of the 5th November, in the manner described no less by reason than by established usage; if, in formally answering his Lordship's letter, his Excellency should think proper to impeach the honour and justice of the British government, in similar terms to those employed in the paper delivered to you on the 11th instant, the Governor-General will then consider, how such unfounded calumnies, and gross misrepresentations both of facts and arguments, deserve to be noticed." This was language to a legitimate hereditary sovereign! The course of procedure is worthy of notice. A party to a treaty fulfils all its conditions with a punctuality, which, in his place, was altogether unexampled: a gross infringement of that treaty, or at least what appears to him a gross infringement, is about to be committed on the other side: he points out clearly, but in the most humble language, savouring of abjectness, much more than disrespect, the inconsistency which appears to him to exist between the treaty and the conduct: this is represented by the other party as an impeachment of their honour and justice; and if no guilt existed before to form a ground for punishing the party who declines compliance with their will, a guilt is now contracted which hardly any punishment can expiate. This, it is evident, is a course, by which no infringement of a treaty can ever be destitute of a justification. If the party injured submits without a

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word, his consent is alleged. If he complains, he is treated as impeaching the honour and justice of his superior; a crime of so prodigious a magnitude, as to set the superior above all obligation to such a worthless connexion.

But this is not the whole of the message which the Resident was commanded to deliver, in the name of the Governor-General, to the Vizir: "The Governor-General further directs, that you peremptorily insist on the Nabob Vizir furnishing a detailed answer to the paper transmitted by his Lordship, on the 16th December last, for his Excellency's information and consideration; and that such answer be duly attested by his Excellency's signature, in the same manner as his Lordship's paper was formally attested by the signature of his Lordship: his Excellency's early compliance with this demand is equally due to the dignity of this government, and to the candour of its proceedings; in consequence of his Excellency's own spontaneous proposal to abdicate the sovereignty of his dominions; if his Lordship's manner of receiving and answering that extraordinary proposition of the Vizir appears in any degree objectionable to his Excellency, it behoves his Excellency clearly to state his objections, in the most formal and authentic mode; otherwise the Governor-General must, and will conclude, that his Excellency's original proposition was purposely illusory; and it will become his Lordship's duty to treat it accordingly, as an unworthy attempt to deceive the British Government. In all the transactions of his Lordship's government, since his arrival in India, he has pursued a plain and direct course; and he is determined to adhere to the same invariable system of just and honourable policy, nor will he be diverted from the system, by any machination of artifice, duplicity, or treachery, which may be opposed to him; he has already found the advantage of this course in frustrating the projects of the enemies of Great Britain in India; and he is satisfied that it will prove equally efficacious in confirming the faith of his allies." The earnestness with which the Governor-General desired that this message should be delivered with unimpaired vigour to the Nawab, is visible in the immediately succeeding paragraph of the same letter: "A copy of the foregoing

observations, in Persian, attested by the signature of the Governor-General himself, will be forwarded to you by the Persian translator: and his Lordship directs that you communicate the same to the Nabob Vizir, either in case you should have any reason to suppose that his Excellency is likely to entertain the smallest doubt of your being, not only authorized, but commanded by his Lordship, to convey to his Excellency the message contained in the preceding paragraphs, as nearly as possible in the terms in which they are expressed; or, in the event of your thinking that the document, attested by his Lordship's signature, will be more impressive than the verbal mode of communication."[1]

On the 20th and 28th of January, the Resident complained to the Governor-General, that the Vizir, instead of giving his cordial assistance, in carrying into execution the measure of annihilating his army, was rather placing impediments in the way; by insisting that the English additional force should not be dispersed in small bodies over the country; by withholding the statement which had been required of the amount and distribution of his own battalions; and by delaying to issue the perwannahs necessary to ensure provisions to the additional troops. With regard to the last article, the Resident, however, issued his own orders; and such was the state of the government, that they were punctually obeyed.[2]

The Resident deferred the message to the Vizir, till the Persian translation arrived. "Having received," says he, "on the 28th, in the evening, the translation in Persian of your Lordship's message to the Nawab Vizir, I waited upon his Excellency on the 29th in the afternoon, and, in obedience to your Lordship's commands, returned to him, in the most formal manner, the original draught of his proposed letter to your Lordship, accompanied with the paper of observations. His Excellency discovered considerable agitation in the perusal of the paper; and he expressed very poignant regret, at having unintentionally, as he affirmed, drawn upon himself such solemn animadversions from your Lordship.—It would, his Excellency observed, be the extreme of ingratitude and folly, wantonly to provoke the displeasure of that power, on which

[1] Papers, ut supra, iii. 89. [2] Ibid. iii. 89, 90.

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alone he relied, for the preservation of his honour, and the support of his authority. He attempted to apologise for the paper, by saying, that he meant it merely as a representation of arguments which might be produced, and not as a formal declaration of his own sentiments, and on that account had adopted the mode which your Lordship had viewed in so exceptionable a light. In respect to the neglect in replying to the paper which had been submitted by your Lordship for his information and consideration, his Excellency assured me, that it arose from his inability to pursue, and reply, in detail, to the extensive train of reasoning which your Lordship had employed; and that he hoped your Lordship would have received the verbal communication, made through me, of the impossibility of his acceding to your Lordship's recommendation, as a full, and respectful answer.—His Excellency asked, for what purpose, or to what avail, could the attempt be, to deceive your Lordship by illusory propositions?"[1]

The intelligence from the Resident, that opposition rather than assistance was given by the Vizir to the execution of a measure of which he so highly disapproved, produced a long letter of violent animadversions from the Governor-General, in which he told the harassed and trembling Vizir, "the means which your Excellency has employed to delay, and ultimately to frustrate, the execution of the above-mentioned plan, are calculated to degrade your character, to destroy all confidence between your Excellency and the British government, to produce confusion and disorder in your dominions, and to injure the most important interests of the Company, to such a degree, as may be deemed nearly equivalent to positive hostility on your part."—"The conduct of your Excellency, in this instance," he afterwards adds, "is of a nature so unequivocally hostile, and may prove so injurious to every interest, both of your Excellency and of the Company, that your perseverance in so dangerous a course will leave me no other alternative, than that of considering all amicable engagements between the Company and your Excellency to be dissolved."[2]—This was most distinctly to

[1] Papers, ut supra, iii. 91, 92.
[2] Dated 9th February 1800. Despatches, ii. 208.—W.

declare, that if he did not immediately comply, the Governor-General would make war upon him. And since this was the motive depended upon, in truth, from the beginning, would not the direct and manly course have answered the main purpose equally well, and all other purposes a great deal better? We are the masters; such is our will: nothing short of strict and prompt obedience will be endured.

So ardent were the desires of the Governor-General and so much was he accustomed to assume everything on which his conclusions depended, that he maintained, in this letter, to the face of the Vizir, that of the plan for annihilating his army, the Vizir had, "after full deliberation, expressed his entire approbation."[1]

Before the end of February, the Vizir felt convinced, that compliance could not be evaded. The money demanded on account of the additional forces was paid; and orders were issued for commencing the discharge of of his own battalions. The business of dismissing the troops occupied a considerable time; and was retarded by the necessity of employing a portion of them in collecting the taxes which were then due. It was a matter of considerable delicacy, to avoid commotion, and the demand for bloodshed, where so many armed men were about to be deprived of their accustomed means of subsistence. The business was conducted in a manner highly creditable to the ability as well as the feelings of the gentlemen upon whom it devolved. It was the disposition, and the principle of the Governor-General, to treat with generosity the individuals upon whom the measures of his government might heavily press. As considerable arrears were always due to native troops, and seldom fully paid, the complete discharge of arrears, on which the English government insisted, was a powerful instrument of conciliation. When dissatisfaction anywhere appeared, every effort was employed to correct misapprehension; patience was exercised; the means of coercion were rather exhibited, than used; pardon was liberally extended, even where resistance had been overcome; and before the end of the year, the measure was in a great

[1] Papers, ut supra, iii. 96—101.

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part carried into effect without bloodshed or commotion.[1]

1800.

In the month of November, 1800, when a demand for a second body of new troops was presented to the Vizir, he complained, by letter, to the Resident, in the following terms: "The state of the collections of the country is not unknown to you. You know with what difficulties and exertions they are realized, and hence I feel a great degree of solicitude and apprehension, lest, if I should fail at a season of exigency, my responsibility should be impeached: I, therefore, wrote to you, that, until I was secure of resources to answer the demands, I could not become responsible: Accordingly, Jye Sookh Roy has been directed to prepare a statement of the condition of the country, with respect to its resources. You shall be informed when it is ready; and you can then come and inspect it; and, in concert, devise resources for the additional demands, according to the assets; and I will act accordingly." In another part of the same letter, he said, "Formerly, in the plan proposed for the reform of the military, it was written, 'That the resources for the expense of the new troops would be found in the reduction of those of his Excellency:' Although the resources for the payment of the new British troops were not found in the reduction of those of the Sircar; now that you write, to have the charges of other new troops added to the debit of the state, when the reduction of the military has not yet supplied resources for the payment of the charges of the former new troops, how can I take upon myself to defray the charges of these new troops, without subjecting the Sircar to the imputation of a breach of faith.[2]

Of these complaints, the Governor-General rapidly availed himself to found on them pretensions of a new description. "If," said he, in a letter to the Resident, dated 22nd of January, 1801, "the alarming crisis be now approaching, in which his Excellency can no longer fulfil his public engagements to the Company, this calamity must be imputed principally to his neglect of my repeated advice and earnest representations. The augmented

[1] Papers, ut supra, iii. 110—140, containing the correspondence on the disbanding of the troops.
[2] Ibid. iii. 141.—M. Despatches, ii. 422.—W.

charges might have been amply provided for, if his Excellency had vigorously and cordially co-operated with me, in the salutary and economical measure of disbanding his own undisciplined troops. It is now become the duty of the British government, to interpose effectually, for the protection of his interests, as well as those of the Company, which are menaced with common and speedy destruction, by the rapid decline of the general resources of his Excellency's dominions." It may be observed, as we go on, that if the prompt disbanding of the forces of the Vizir would disengage a revenue perfectly equal, and more than equal, as had all along been confidently affirmed, to the charge created by the additional force, the delay which the reluctance of the Vizir occasioned, and which was now overcome, could only occasion a temporary embarrassment; and that menace of common and speedy destruction, of which the Governor-General so tragically spoke, had no existence. Or, that, on the other hand, if the menace of destruction was real, the pretence of finding, in the discharge of the Vizir's battalions, an ample resource for the new impositions, was void of foundation. The letter goes on, "The Vizir is already apprized, that I have long lamented the various defects of the system by which the affairs of his Excellency's government are administered. Conscious of the same defects, his Excellency has repeatedly expressed a wish to correct them by the assistance of the British government. The continuance of the present system will exhaust the country to such a degree, as to preclude the possibility of realizing the subsidy. In place of inveterate and growing abuses must be substituted a wise and benevolent plan of government, calculated to inspire the people with confidence in the security of property and of life; to encourage industry; and establish order and submission to the just authority of the state, on the solid foundations of gratitude for benefits received, and expectation of continued security." The Governor-General here establishes the *goodness* of government, "as the solid foundation of submission to its authority." He would not add, what was equally true, that there ought to be no submission without it.

The following passage of the letter deserves profound regard. "Having," continues the Governor-General, "maturely

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considered these circumstances, with the attention and deliberation which the importance of the subject requires, I am satisfied that no effectual security can be provided against the ruin of the province of Oude, until the exclusive management of the civil and military government of that country shall be transferred to the Company, under suitable provisions for the maintenance of his Excellency and of his family. No other remedy can effect any considerable improvement in the resources of the state, or can ultimately secure its external safety, and internal peace."

If this was the only plan which could avert from the state every species of calamity; absolute master, as he was, of the fate of the country, why did the Governor-General hesitate a moment to carry it into execution?

He resolved to offer this proposition to the Vizir in the form of a treaty: but added, "Should his Excellency unfortunately be persuaded, by the interested counsel of evil advisers, absolutely to reject the proposed treaty, you will then proceed to inform his Excellency, in firm, but respectful language, that the funds for the regular payment of the subsidy, to the full extent of the augmented force, must be placed, without a moment of delay, beyond the hazard of failure.—For this purpose, you will require his Excellency to make a cession to the Company, in perpetual sovereignty, of such a portion of his territories, as shall be fully adequate, in their present impoverished condition, to defray those indispensable charges." In selecting the portions to be demanded, the object was, to insulate the Vizir, as well for the purpose of precluding him from foreign connexions, as of defending him from foreign dangers. To this end, choice was made of the Doab, and Rohilcund, in the first instance, with the addition of Azim Ghur, and even Gorukpoor, if the revenue of the former country should prove inadequate.[1] A letter to the same purport, and nearly in the same words, was, at the same time, written by the Governor-General to the Vizir.[2] It closes with the following terms: "I request your Excellency to be satisfied, that the whole course of events in Oude, since your accession, has rendered it my indis-

[1] Papers, ut supra, iii. 145—148.
[2] Ibid. p. 148—151.—M. Despatches, ii. 429.—W.

pensable duty to adhere with firmness to the tenor of this letter, as containing principles from which the British government never can depart; nor can your Excellency receive with surprise, or concern, a resolution naturally resulting from your own reiterated representations of the confusion of your affairs, and of your inability either to reduce them to order, or to conciliate the alienated affections of your discontented people." The corollary from these deductions most necessarily, and most obviously is, that any sovereign who governs ill, and loses the affections of his people, ought to abdicate, or to be compelled to abdicate, the sovereignty of his dominions. We shall see how energetic and persevering an apostle of this doctrine the Governor-General became.

The subsidy which, according to the treaty of Lord Teignmouth, was already paid by the Vizir, amounted to Rs. 76,00,000: the annual expense of the additional force with which he was to be loaded, was 54,12,929: the whole would amount to 1,30,12,929 rupees. The Nawaub was required to make a cession of territory, in perpetual sovereignty to the English, the revenue of which, even in its present unproductive state, and without any regard to the improvements of which it might be susceptible, should amount to such a sum, over and above the whole expense of collection. The revenue remaining to the Vizir after such a deduction would have been 1,00,00,000.[1] The territory, then, of which he was to be deprived, amounted to more than one half, to not much less than two thirds, of his whole dominions.

The address of the Governor-General to the Vizir was presented to that prince on the 16th of February; and the first conversation on the subject between him and the Resident was on the 26th. "His Excellency's conversation on that day," says the Resident, "though it did not amount to a positive rejection of the first proposition, discovered an unreserved repugnance to the acceptance of it." Before this letter, however, dated on the 6th of March, was closed, a letter addressed to the Governor-General was received from the Vizir.[2] His complaints respecting the want of funds for payment of the enlarged subsidy, he explained as far from amounting to the alarm-

[1] Papers, ut supra, iii. p. 161—208. [2] Despatches, ii. 474.

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ing proposition into which they were framed by the Governor-General; but, as the fund which had been pointed to by the Governor-General as adequate, had not proved adequate; and as he had been repeatedly commanded by the Governor-General to make known to the Resident his difficulties, and to make use of his advice, he had, for that reason, explained to him, and had done no more, the perplexities which weighed upon his mind. "In the course, however, of these conferences and communications, no impediment of affairs," says he, "ever occurred; and no failure or deficiency whatever was experienced in the discharge of the expenses of the new troops, and in the payment of the kists of the fixed subsidy. On the contrary, those expenses and kists were punctually paid; accordingly the kist of the fixed subsidy, and the charges of the additional troops, have been completely paid to the end of January, 1801, and Colonel Scott has expressed his acknowledgments on the occasion.—It is equally a subject of astonishment and concern to me, that whereas, under the former government, the payment of the kists, though so much smaller in amount than the present, was constantly kept in arrear during three or four months, the jumma of the country was diminishing yearly, and yet no such propositions were brought forward,—they should be agitated under the government of a friend, who hopes for every thing from your Lordship's kindness; who is anxious to obey you, and to manifest the steadiness of his attachment; who punctually pays the full amount of his kists, notwithstanding their increased amount; and who has conformed to your Lordship.

"As my consent," says he, "to the first proposition is altogether impracticable (accordingly I have already written an ample reply to that proposition); and, as it is impossible for me, with my own hands, to exclude myself from my patrimonial dominion (for what advantage should I derive from so doing?)—this, therefore, is a measure, which I will never adopt.

"With respect to what your Lordship writes, about providing a territorial resource for the payment of the British troops; since I have not, in any way, delayed or neglected to discharge the kists for the expenses of the troops, but have paid them with punctuality, where is the occasion

for requiring any territorial resource?—I expect to derive the most substantial profits from bringing into a flourishing condition this country, which has so long been in a state of waste and ruin. By a separation of territory, my hopes of these substantial profits would be entirely cut off, and a great loss would accrue. How then can I consent to any territorial cession?"[1]

This letter brought an answer of immense length from the Governor-General, under date the 5th of April.[2] Having lamented the refusal which had been given to both his propositions, and given a description of the progressive decline of the country, from the mis-government of the Vizir, the Governor-General says, "I now declare to your Excellency, in the most explicit terms, that I consider it to be my positive duty, to resort to any extremity, rather than to suffer the further progress of that ruin, to which the interests of your Excellency and the honourable Company are exposed, by the continued operation of the evils and abuses, actually existing, in the civil and military administration of the province of Oude." After noticing the source of embarrassment still existing in the portion of his troops, the dismission of which the Vizir had till now contrived to evade, the Governor-General subjoined, "But I must recall to your Excellency's recollection, the fact, which you have so emphatically acknowledged on former occasions, that the principal source of all your difficulties is to be found in the state of the country. I have repeatedly represented to your Excellency the effects of the ruinous expedient of anticipating the collections; the destructive practice of realizing them by force of arms; the annual diminution of the jumma of the country; the precarious tenure by which the Aumils and farmers hold their possessions; the misery of the lower classes of the people, absolutely excluded from the protection of the government; and the utter insecurity of life and property, throughout the province of Oude. An immediate alteration in the system of management affords the only hope of providing either for the security of the Company's military funds, or for any other interest involved in the fate of Oude.—It would be vain and fruitless to attempt this arduous task, by partial interference, or

[1] Papers, ut supra, iii. 163, 164. [2] Despatches, ii. 474.

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by imperfect modifications of a system, of which every principle is founded in error and impolicy, and every instrument tainted with injustice and corruption."—What is here remarkable is, the Governor-General's declared principle of reform; that, of a system of government, radically corrupt, extirpation is the only cure.

He proceeds to infer, that as the Vizir professed himself inadequate to the task of reform; and the undiminished prevalence of evil, since the commencement of his reign, proved the truth of his declaration; he ought to renounce the government, and give admission to others, by whom the great reform could be effectually performed.

He added, "But whatever may be your Excellency's sentiments with respect to this the first proposition; the right of the Company to demand a cession of territory, adequate to the security of the funds necessary for defraying the expense of our defensive engagements with your Excellency is indisputable." This right he proceeded to found on his fears with regard to the future; lest the progressive decline of the country, the fruit of mismanagement, should quickly render its revenue unequal to the payments required.[1]

On the 28th of April, a letter to the same purport, nearly in the same words, under signature of the Governor-General, was sent to the Resident.[2] The determination was now adopted to seize the territory, if the consent of its reluctant sovereign was any longer withheld. "Any further reference to me from Oude is," said his Lordship, "unnecessary. I, therefore, empower you to act under the instructions contained in this letter without waiting for additional orders.—If, therefore, his Excellency should persist in rejecting both propositions, you will inform him, that any further remonstrance to me upon this subject will be unavailing; that you are directed to insist upon the immediate cession of the territory proposed to be transferred to the Company; and that in the event of his Excellency's refusal to issue the necessary orders for that purpose, you are authorized to direct the British troops to march for the purpose of establishing the authority of the British government within those districts."[3]

[1] Papers, ut supra, iii. 185—192. [2] Despatches, ii. 493.
[3] Papers, ut supra, iii. p. 198.

The Vizir, having stipulated for certain conditions,[1] of which one was, that he should be guaranteed, by a formal obligation, in the future independent exercise of an exclusive authority in the remaining parts of his dominions," it is declared, in the instructions to the Resident, under date the 27th of May; "His Lordship cannot permit the Vizir to maintain an independent power, with a considerable military force, within the territories remaining in his Excellency's possession.—It must never be forgotten that the Governor's original object was not merely to secure the subsidiary funds, but to extinguish the Vizir's military power."[2] This is a part of the design, not only not disclosed by the language held to the Vizir, but hardly consistent with it. In that, he was told, that the vices of his troops were the cause on account of which the English wished them destroyed. According to this new declaration, if the troops had been better, that is, more formidable, the English would have liked them only so much the worse.[3]

[1] These stipulations were dated on the 3rd Mohurrum, 1216, or the 1st May, and were commented on at length by the Governor-General on the 8th June. The Vizir demurred to the payment of the debts of former Governments of Oude, of the whole expense of the troops raised to oppose the menaced invasion of Zemaun Shah, and any part of the cost of the embassy to Persia, which, as addressed to an object in which Oude was interested, the Governor-General conceived was due by the Vizir. He demanded the undivided inheritance of the possessions of Asoph-ud-Dowla, which was levelled against the possessions of the Begums. He requested that all correspondence regarding the affairs of Oude should be confined to himself and the Resident, which was intended to exclude such of his ministers as were well affected to the English from his councils. That the Resident should pay no attention to persons "ever on the watch to sow dissensions, and stipulated that the engagements entered into should be firm and permanent; that the troops for which the countries were ceded should always be stationed in them, and that whenever he felt inclined to perform pilgrimage, no hindrance should be offered to his departure." The Governor-General rejected these and other proposed articles; as they betrayed an unjustifiable mistrust in the Company's authority and power, disguised an intention to secure their countenance to acts of vindictiveness or extortion, and sought to evade the discharge of just demands. The proposed stipulations were in many respects open to these imputations, and they were justly rejected by the Governor-General. Dispatches, ii. 527.—W.

[2] Papers, ut supra, p. 213.

[3] Contrast the language, in the last-quoted sentence, with the following passage of an address delivered to the Vizir in the name of the Governor-General, by his brother Henry Wellesley, in September, 1801; where, after a description of the undisciplined and mutinous condition of the troops of the Vizir, and his own declared opinion of them, these, says the address, "were the primary causes which moved the Governor-General to consider the means of applying an effectual reform to the military establishment of Oude. The plan of this reform originated, not in the voluntary suggestion of his Lordship's mind, but in the alarming state of your Excellency's dominions and power, and in your own express desire." Papers, ut supra, iv. 7.

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In a letter of the 8th of June, the Resident gives an account of a conversation the day before between him and the Vizir. "I stated to his Excellency that the general tenor and spirit of his articles of stipulations had excited the greatest concern and surprise in your Lordship's breast, and that I was commanded by your Lordship to communicate to his Excellency your Lordship's absolute rejection of the whole of them. His Excellency replied, that as his paper contained conditions on which alone his consent to the territorial cession could be granted, your Lordship's rejection of them allowed him no other alternative, than that of passive obedience to whatever measures your Lordship might resolve on."

"I next proceeded to state to his Excellency the terms upon which your Lordship is disposed to guarantee to his Excellency and to his posterity, the dominion of his Excellency's remaining territory. They were enumerated in the following order and manner: 1st, The continuance of the Company's right to station the British troops in any part of his Excellency's dominions: 2ndly, the restriction of his own military establishment to an extent absolutely necessary for the collection of the revenues, and for the purposes of state; and 3rdly, the introduction of such regulations of police, as should be calculated to secure the internal quiet of his Excellency's country, and the orderly and peaceful behaviour of his subjects of every description.

"His Excellency's reply to this," says the Resident, "was striking: that the power of stationing the Company's troops in any part of his dominions, together with the other conditions, formed a combination of circumstances, the objects of which would be open to the comprehension of a child; and that it was impossible for him to agree to a territorial cession on such terms.

"I entreated his Excellency to reject from his mind such unjustifiable suspicions, and to summon all the good sense which he possesses, and to reflect on the consequences of a refusal of the propositions which your Lordship had prepared with so much thought and deliberation. He said, he by no means meant to impute precipitancy to your Lordship's resolution. But if your Lordship's reflection suggested measures to which he

could not accede, the utmost which could be expected from him was passive submission to those measures. And he added, that if your Lordship would give him his dismission, and allow him to go on a pilgrimage; or whether that was permitted or not, the whole of his territorial possessions, and of his treasures, were at the disposal of your Lordship's power: he neither had the inclination nor the strength to resist it; but he could not yield a voluntary consent to propositions so injurious to his reputation."[1]

The Governor-General wished to avoid the appearance of force in seizing the greater part of the Vizir's dominions; and was exceedingly anxious to extort by importunity some appearance of consent. Not only was the Resident urged to use incessant endeavours for this purpose,[2] but on the 30th of June, notice was sent of the resolution to which the Governor-General had proceeded, of sending his brother Henry Wellesley on a mission to the Vizir, in hopes that his near relation to the head of the government would strike with awe the mind of that Prince, and convince him more fully of the impossibility of eluding its declared determination.[3]

Every mode of importunity was tried and exhausted. The scheme of abdication was, with every art of persuasion, and some even of compulsion (if severity in urging pecuniary demands which would have otherwise been relaxed are truly entitled to that designation), urged upon the Vizir, as the measure which, above all, would yield the greatest portion of advantage, with regard, in the first place, to his own tranquillity and happiness; in the second place, to the people of Oude; and in the third, to the British government. If, on the other hand, this measure should unfortunately not obtain his consent, he was desired to consider the territorial cession as a measure which force, if necessary, would be employed to accomplish; and the Resident did, in the month of July, proceed so far as to give notice to some of the aumils, or great revenue managers of the territories intended to be seized, to hold themselves in readiness for transferring their payments and allegiance to the British government; a proceeding which the Vizir represented as giving him exquisite pain and overwhelming him with disgrace.

[1] Papers, ut supra. iv. 231. [2] Despatches, ii. 537.—W.
[3] Ibid. ii. 441, 561.—W.

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To all the pressing remonstrances with which he was plied, he opposed only professions of passive, helpless, and reluctant obedience. He also pressed and endeavoured to stipulate for leave to retire, in performance of a pilgrimage: that his eyes might not behold the performance of acts, which he could not contemplate without affliction; though he desired to retain the power of resuming the government of all that remained of his dominions, when his scheme of pilgrimage should be at an end.

On the 3rd of September, Mr. Wellesley arrived at Lucknow; on the 5th, presented to the Vizir a memorial explanatory of the principal objects of his mission, and had with him his first conversation on the 6th.[1] The two propositions were again tendered; and, with every expression of submissiveness, the Vizir undertook to give them a renewed consideration. His answer was delayed till the 15th; when his consent to the first proposition, as what would bring "an everlasting stigma on his name by depriving a whole family of such a kingdom," was again peremptorily refused. The answer which was made by the two negotiators, the Resident and Mr. Wellesley in conjunction, is perhaps the most remarkable which occurs in the annals of diplomacy; "That his Excellency reasoned upon the first proposition as if the execution of it deprived him of the possession of the musnud; whereas the true extent and meaning of it, and indeed the primary object, was to establish himself and posterity more firmly and securely on the musnud, with all the state, dignity, and affluence, appertaining to his exalted situation." A man may be so placed with regard to another, that it is not prudent for him to dispute the truth of what that other advances, should he even assert that black and white are the same colour. It was necessary to be in such a situation, before a proposition like this could be tendered to a man with any hope of escaping exposure. The Vizir was called upon to consign for ever the sovereignty of all his dominions to the Company, and to bind himself never to reside within them; yet this was not to deprive him of his throne! It was more firmly to establish him on it![2]

On the subject of the territorial cession, the Nawab still deferred an explicit answer.[3]

[1] Despatches, ii. 567. [2] Papers, ut supra, iv. 1—15. [3] Ibid. p. 17.

On the 19th of September, instructions were written to the two negotiators, in which they were informed of the determination of the Governor-General, in case of the continued refusal on the part of the Vizir, to give his consent to one of the two propositions, to take from him not a part only, but the whole of his dominions. His Lordship, as usual, supports this resolution with a train of reasoning. The British interests were not secure, unless there was a good government in Oude: unless the Nawab Vizir gave his consent to one of the two propositions, a good government could not be established in Oude: therefore, it would be not only proper, but an imperative duty, to strip that sovereign of all his dominions. "His Lordship has therefore no hesitation," says the document, "in authorizing you, in the event above stated, to declare to his Excellency, in explicit terms, the resolution of the British government to assume the civil and military administration in the province of Oude. Should the communication of the intended declaration fail to produce any change in his Excellency's disposition, his Lordship directs that you will immediately proceed to make the necessary disposition of the army, and every other arrangement for carrying that resolution into immediate and complete effect."[1]

On the same day, however, on which these instructions were written, the Vizir communicated to the two negotiators a paper, in which he gave his consent to the second proposition, provided he was allowed to depart on his pilgrimages, and his son, as his representative, was, during his absence, placed on the throne. The reason assigned was in these words; "for I should consider it a disgrace, and it would be highly unpleasant to me, to show my face to my people here." The negotiators felt embarrassment; resented the imputations which the condition and the manner of it cast upon the British government; but were unwilling, for considerations of slight importance, to lose the advantage of the Vizir's consent, even to the lowest of the two propositions, since they now despaired of it to the first. "Having," say they, "deliberately reflected on every circumstance immediately connected with the negotiation, or which might eventually influence the result of it, we decidedly and unitedly agreed in the opinion, that the im-

[1] Papers, ut supra, p. 17.

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portant objects of it could not be accomplished in a more preferable manner than by closing with his Excellency's proposition." A paper, accordingly, declaring their acceptance of the proposition, and attested by their joint signatures and seals, was delivered to the Vizir on the 24th.[1]

On the 27th, his Excellency communicated a proposition, of which the purport was, to secure to him the exclusive administration of the reserved territory. On this topic he was informed that enough had already been said: that the right of the British government, in regard to Oude, extended, not only to the alienation of as much of the territory as it chose to say was necessary to defray the cost of defence; but, even with regard to the remainder, to the placing of it in the military possession of the British troops, and the maintaining of a good government within it. What was this, but to declare, that of this part too, the government, civil and military, must rest in the English the Vizir possessing the name, but none of the powers of a king? "It is evident," said the Vizir, in a letter on the 29th, "that I can derive no advantage from alienating part of my country, whilst I shall not remain master of the remainder."[2] On this proposition, however, important as he deemed it, he from that time forebore to insist.

The negotiators complained of endeavours to protract the conclusion of the treaty; first, by demanding unnecessary explanations, though they related to matters of great importance, expressed in the treaty in terms excessively vague; and, secondly, by delays in the delivery of the accounts, though exceedingly voluminous, and somewhat confused. Several discussions took place on the revenues of some of the districts: but on the 10th of November, the treaty was mutually exchanged, and, on the 14th, was ratified by the Governor-General at Benares. By this treaty the Nawaub ceded a country, producing 1,35,23,474 rupees of revenue, including expense of collection; and the authority of the British government over the remainder was provided for by the following words; "And the Honourable the East India Company hereby guarantee to his Excellency the Vizir, and to his heirs and suc-

[1] Papers, ut supra, iv. 21–23.

[2] Ibid. iv. 39.

cessors, the possession of the territories which will remain to his Excellency after his territorial cession, together with *the exercise of his and their authority* within the said dominions. His Excellency engages that he will establish in his reserved dominions such a system of administration (to be carried into effect by his own officers) as shall be conducive to the prosperity of his subjects, and be calculated to secure the lives and property of the inhabitants: and his Excellency will always advise with, and *act in conformity to the counsel*, of the officers of the said Honourable Company."[1] No dominion can be more complete than that which provides for a perpetual conformity to one's counsel, that is, one's will.[2]

On the same day on which the Governor-General ratified the treaty, he created a grand commission for the provisional administration and settlement of the ceded districts. Three of the civil servants of the Company were appointed a Board of Commissioners; and his brother Henry Wellesley was nominated to be Lieutenant-Governor of the new territory, and President of the Board.[3]

The Governor-General performed another duty on the same day, which was that of giving the home authorities, along with the intelligence of the conclusion of the treaty, an intimation of the several advantages which he wished them to believe it carried in its bosom. These were, "the entire extinction of the military power of the Nawaub;" the maintenance of a great part of the Bengal army at the Nawaub's expense; deliverance of the subsidy from all the accidents with which it was liable to be affected "by the corruption, imbecility, and abuse, of that vicious and incorrigible system of vexation and misrule, which constituted the government of Oude;" the power acquired by the Company of becoming "the instrument of restoring to affluence and prosperity one of the most fertile regions of the globe, now reduced to the most afflicting misery and desolation, by the depraved administration of the native government:" deliverance from the stain "on the reputation and honour of the British nation in India, upholding by the terror of their name, and the immediate

[1] Papers, ut supra, iv. p. 29 and 35. [2] Despatches, ii. 596.
[3] Papers, ut supra, p. 27.

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force of their arms, a system so disgraceful in its principles, and ruinous in its effects."[1]

On these supposed advantages a few reflections are required. The impatient desire to extinguish the military power of the Vizir exhibits the sort of relation in which the English government in India wishes to stand with its allies. It exhibits also the basis of hypocrisy, on which that government has so much endeavoured to build itself. The Nawaub was stripped of his dominions; yet things were placed in such a form, that it might still be affirmed he possessed them.

With regard to the alleged pecuniary advantages, the case was this. An obligation was contracted to defend and govern a country, for only part of its revenues. The question is, whether this can ever be advantageous. The Company's experience, at least, has been, that the countries of India can, under their administration, hardly ever yield so much as the cost of defence and government. That it is injustice and robbery to take from any people, under the pretext of defending and governing them, more than the lowest possible sum for which these services can be performed, needs no demonstration.

The necessity, perpetually exposed to view, of defending Oude, as a barrier to the Company's frontier, is a fallacy. When the Company received the taxes paid by the people of Oude, and pledged themselves for their good defence and government, the people of Oude became British subjects to all intents and purposes; and the frontier of Oude became the Company's frontier. The question then is, whether it was best to defend a distant, or a proximate frontier. For the same reason that the Company took Oude for a frontier, they ought to have taken Delhi beyond it; after Delhi, another province, and after that another without end. Had they defended the frontier of Bengal and Bahar, leaving the province of Oude as they left the country beyond it, would not the nearer frontier have been easier to defend than the one more remote? If the greater difficulty of defending the more distant frontier of Oude consumed all the money which was obtained from Oude, was there in that case any advantage? If it consumed more than all the money which was obtained from it, was there not in that case a positive loss? The means are not

[1] Papers, ut supra, v. 14, 15.

afforded us of exhibiting the loss in figures; but the British legislature, which by a solemn enactment prohibited all extension of frontier, as contrary both to the interest and the honour of the British nation, had declared beforehand that money was only a part of the loss.

The Governor-General's pretensions, raised on the badness of the native government, seem to be overthrown by his acts. If this was incorrigible, while the country remained in the hands of the Nabob, why, having it completely in his power to deliver the people of Oude from a misery which he delights to describe as unparalleled, did the Governor-General leave a great part of the country with the people in it, to be desolated and tortured by this hateful system of misrule? If it was corrigible, as he contradicts himself immediately by saying it was, and by pledging himself in his letter to the home authorities "to afford every practicable degree of security for the lives and property of the Vizir's remaining subjects," there was no occasion for wresting from the Vizir the greater part of his dominions, under the plea, and that the single, solitary plea, that any improvement of the intolerable system of government, while the country remained in his hands, was altogether impossible.

The truth ought never to be forgotten, which the Governor-General here so eagerly brings forward; That the misery, produced by those native governments which the Company upholds, is misery produced by the Company; and sheds disgrace upon the British name.[1]

From his first arrival in India, the Governor-General had cherished the idea of paying an early visit to the interior and more distant parts of the provinces more immediately subject to his authority; but the circumstances which had required his presence at Calcutta or Madras, had till now postponed the execution of his design. Part of his object was to ascertain the real effects of the Company's government upon the prosperity of the country, upon the wealth, industry, morals, and happiness of the population; and to acquire a knowledge of the

[1] This sentiment is expressed by Mr. Henry Wellesley, in his account of the progress of the negotiation: letter to the Governor-General, dated 7th January, 1802; papers, ut supra, iv. 35. It is several times expressed by Colonel Scott, especially in his conversations with the Vizir, during the course of the negotiation; see papers, vol. iii. passim

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character of the people, and of their modes of thinking, all more perfectly than, without personal inspection, he regarded as possible. The design was laudable. But a short reflection might have convinced him, that, in a progress of a few months, a great part of which was spent on the river, all the observations which he, incapacitated from mixing with the natives, both by his station, and his language, was in a situation to make, were so very few and partial, that they could form a just foundation for few useful conclusions; and only exposed him, if he was inclined to over-rate them, to be more easily duped by the men through whose eyes it behoved him to see, and on whom he was still compelled to rely for all his information. To learn the effects of a government upon a people, and to ascertain their temper and modes of thinking, by personal observation, requires long, and minute, and extensive intercourse. What, in the compass of a few weeks, or months, can a man collect, respecting these important circumstances, by looking, from his barge, or his palanquin, as he proceeds along, and at one or two of the principal places conversing in state with a small number of the leading men, eager not to salute his ears or his eyes with an opinion or a fact, but such as they expect will minister to his gratification? What a man, in these circumstances, is sure to do, is, to confirm himself in all the opinions, right or wrong, with which he sets out; and the more strongly, the higher the value which he attaches to the observing process he is then performing. What was to be expected, therefore, accurately happened; the Governor-General saw none but admirable effects of the Company's admirable government; and if those of an opposite sort had been ten times as many as they were, they would all have been equally invisible to his eyes. In surveying a country, it is not easy to form sound opinions, even when the means of observation are the most perfect and full: in India, the Company's servants, setting out with strong anticipations, and having means of observation the most scanty and defective, have commonly seen such things only, as it was their desire and expectation to see.

Other advantages, which the Governor-General expected to realize by his presence in the different parts of the provinces, where, an increased attention to the discharge of

their duties, in the various local ministers of government, civil and military, who would thus be more sensibly convinced of the vigilant inspection which was maintained over them; and, a new degree of confidence and satisfaction, with respect to their government, in the body of the people, thus made to see with their eyes the solicitude with which the conduct of those who commanded them was watched. But the circumstance which most strongly operated upon the mind of the Governor-General, at the time when he resolved to commence his journey, was, the effect which his departure, with the declared intention of visiting Oude, was expected to produce in accelerating the submission of the Vizir to the demands with which he was pressed. Preparations were made for the commencement of the voyage on the river early in July, 1801; but owing to the delay of the despatches expected from Europe, and other causes, it was the 15th of August before he was enabled to embark. It was on the 18th, in a council held on board the yacht at Barrackpore, that Mr. Speke (the Commander-in-Chief having preceded the Governor-General in this excursion) was chosen, during the absence of the Head Ruler, Vice-President of the Council, and Deputy Governor of Fort William. On the 23rd of September, the Governor-General was at Monghir. On the 14th of November, at the time of ratifying the treaty, he was on the Ganges, near Benares. And on the 19th of January, 1802, he was met at Cawnpore by the Nawaub Vizir, who had left his capital to do him honour by the ceremony of anticipation.[1]

The Governor-General resolved to soothe the mind of the Nawaub, under the mortifying sacrifices to which he had lately been compelled to submit, by the studied display of personal respect; as well for the purpose of substituting pleasurable to painful feelings, as for that of moulding his inclination to the compliances which yet remained to be exacted of him. He abstained accordingly from soliciting his mind on those subjects, till he had made, as he conceived, a very favourable impression upon it.[2] Soon after they had arrived at Lucknow, the Governor-General requested a private conference with his Excellency, and gave him intimation of the acts which he was expected to

[1] Papers, ut supra. v. 11—W. [2] Despatches, ii. 672.—W.

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perform. These were, the immediate discharge of the arrear of the augmented subsidy, amounting to twenty-one lacs of rupees; the immediate reduction of his Excellency's military establishment to the scale described in the treaty; an exchange of one of the new districts for the purpose of removing an interruption in the line of the Company's frontier; the regular payment of the pensions to his relatives and dependants; the reform, on a plan to be given by the English, of the government within his reserved dominions; and the concentration of the British force, which was to be employed within those dominions, at a cantonment in the vicinity of Lucknow. For obedience, on most of these points, the Vizir was prepared, either by inclination, or his knowledge of the inability of resistance. For the payment of arrears he only requested time; and could not help expressing his opinion, that neither necessity nor utility required the concentration of the British force at Lucknow. The object of principal importance was, the introduction of a better government in his reduced dominions. On this subject, the Nawaub professed that his opinions coincided with those of the British ruler; but complained that he was not possessed of sufficient authority, within his dominions, to carry any of his own designs into effect. On this subject, he manifested great reluctance to explain what he meant. When explanation was obtained from him, it appeared that he was galled by the interference of the Resident, and made this last effort to obtain such an exemption from that restraint, as would have destroyed, says the Governor-General, "that degree of interference and control which is indispensably necessary for the support of the British influence in Oude; and would have rendered nugatory that stipulation of the treaty which provides for the security of the British influence over the measures of his Excellency's administration." It also appeared, that he was desirous of a change of the Resident, who was personally disagreeable to him. But on no one of these points did the determination of the Governor-General admit of any relaxation. In these circumstances, the Nawaub, whether disgusted with his situation, or in the spirit of stratagem, renewed his request for permission to absent himself on a pilgrimage, and to leave his government in the hands of his second son.

Though the Governor-General stated his reasons for disapproving this design, he gave him assurance that he would not oppose it; and expressed the highest indignation when the Nawaub, as in distrust, betrayed afterwards an inclination to render the payment of arrears a condition dependent upon compliance with this request.[1]

As an introduction to the measures which he designed to propose for improving the government of the Nawaub's dominions, the Governor-General held up to his view, what he regarded as the causes of the existing evils. The abuses arising from the employment of a licentious soldiery in executing the business of government among the people, were once more displayed, but chiefly with intent to declare, that for this evil a remedy, in the annihilation-reform, was already applied. Of all the evils which remained; evils, which the Governor-General had represented as so enormous that nothing less than the abdication of the sovereign, or the complete transfer of all his property into the hands of the Company, could suffice for their cure, the causes, according to his enumeration, reduced themselves to two; First, "The want of a judicial administration for the protection of the lives and property of the subjects, for the detection and punishment of crimes, for the redress of grievances, and for the adjustment of disputed claims;" Secondly, "The abuses prevailing in the administration of the revenues — arising, principally, from the destructive practice of anticipating the revenues, of assigning the charge of the collections to persons who offer the highest terms, or the largest amount of nuzzerana; from the uncertain tenure by which the Aumils hold the charge of their respective districts; the violation of the engagements contracted between the Aumils, Zemindars, under-renters, and ryots, the arbitrary and oppressive exactions which pervade the whole system of the revenue, through every gradation, from the Aumil to the ryot; the defective and injudicious constitution of the whole system of revenue; and the injurious mode of making the collections."[2]

By these, the very words, in conjunction with the acts, of the Governor-General, we are given to understand, that a bad judicial, and a bad taxing system (excepting the

[1] Papers, ut supra, v. 24–25. [2] Ibid. v. 25, 26.

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army, the only causes of evil in Oude,) are quite sufficient to render a government the scourge and desolation of a country, and to make the submersion of such a government, both in name and in reality, but at any rate in reality, if not also in name, a duty imperiously demanded at the hand of whoever has the power to bring it about.

When, however, the Governor-General manifested a sensibility of such uncommon strength (and on such a subject the sensibility of a man is naturally in proportion to the united strength of his moral and intellectual virtues) to the unbounded evils which spring from defective systems of law and taxation, it is remarkable that he did not turn his thoughts to the effects produced by the systems of law and taxation of which he himself superintended the administration. It is declared, in the strongest and most explicit terms, by several of the Company's servants, best acquainted with Indian affairs, in their examination before the House of Commons, in 1806, that, not in respect to army, judicature, or taxation, was the situation of Oude, though viewed with such horror by the Governor-General, more unfavourable, than that of other native governments of India; with which it might truly be regarded as upon a level.[1] The government of Bengal, before it passed into the hands of the English, had been distinguished among the governments of India for its vices rather than its virtues. Yet we have seen it declared, and put upon record, by the most experienced servants of the Company, in their solemn official reports, that in their opinion the new systems of judicature and taxation, so laboriously, and so disinterestedly introduced by the English government, had not improved, but had rather deteriorated the condition of the great body of the people.[2] It is not, however, correct to say, that the Governor-General turned not his attention to the effects of the systems of judicature and taxation, the administration of which it was his business to superintend. He thought of them quite sufficiently; but he was altogether deceived. It was perfectly impossible for him to see with his own eyes what was sufficient to convince a mind, impressed both by anticipation and interest with other notions, that

[1] See the Minutes of Evidence on the Oude Charge, p. 32, 35, 49, 53, 74.
[2] See ch. vi. passim.

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the British systems were ill adapted to the ends they had in view; and he was daily assured by those whose anticipations and interests were similar to his own, and who paid their court by speaking opinions calculated to please, that the effects produced were all excellent; he, therefore, believed that they were all excellent, and assured the home authorities, that he had been enabled to ascertain, by actual observation on his journey, that they were all excellent, and that in the highest degree. He concluded therefore, most conscientiously, that nothing happier could be done for the people of Oude, than to assimilate their situation as nearly as practicable to that of the people in the Company's provinces.

From the specimens of the loose, and defective, and tautological language of the Governor-General, exhibited in his statement of the sources of evil in the government of Oude, the intelligent reader will perceive in what obscurity, on the subjects of judicature and taxation, the mind of that ruler remained; and how crude and insufficient were the ideas which, upon these subjects, floated in his brain. He had nothing further to recommend than, First, on the subject of judicature, to establish district courts, and a general court of appeal and control, upon the plan of the district courts, and the courts of Sudder Dewannee, and Nizamut Adaulut, in the Company's dominions; and, secondly, on the subject of taxation, to give the district in charge to persons of undoubted character and qualifications, to pay those persons by a salary, and make their further profits depend upon the augmentation of their collections; to continue them in their office while their behaviour yielded satisfaction; to compel them, through the courts of justice, to fulfil their engagements with the middlemen, and the middlemen to fulfil their engagements with one another, and with the ryots.

Along with the establishment of courts of justice, the Governor-General stated, also, the necessity of "an efficient system of police, calculated to secure the apprehension of offenders, for the purpose of bringing them to justice." And he did not prescribe conformity with the practice of the Company in matters of detail, for which he referred the Nawab to the advice of the Resident,

BOOK VI. CHAP. IX. 1802.

because matters of detail must he said, be regulated by local circumstances, and adapted to the constitution of the government, and the actual condition of the people.[1]

How little security for an improvement of the government these changes afforded, it requires but a feeble insight into the springs of human affairs, sufficiently to discern. He would appoint new officers of justice and police; but where was any security that they would perform their duty, and not multiply, by the abuse of their powers, the evils they were intended to extinguish? It appears that the Governor-General was ignorant how completely the English systems of law and taxation were unprovided with securities for the protection of the people, notwithstanding the superior intelligence and good intention of the English government itself. For preventing the gatherers and farmers of the taxes from their usual exactions and oppressions, the Governor-General trusted entirely to the courts of justice; but unless sufficient securities were created in the constitution of the courts, and code of law, the officers of justice would only become the sharers and protectors of every profitable crime.

Though it appears that the Governor-General had very little knowledge of what properties are required in systems of judicature, and of taxation, to prevent them from ensuring the misery of the people; yet, of one security, he gives a just conception: "The rights of property, of all descriptions of landholders, should be defined; and the definition of those rights should form the basis of adjudication."[2] When he mentions landlords, of course it is not exclusively. He means not that the rights of that class of men should have the protection of law; and the rights of other men be left the sport and prey of arbitrary will. He means that the rights of all men should be accurately defined. And he would allow, that not only their rights but their obligations should be defined, whence alone the violations of them can be effectually suppressed. These definitions, he would, in like manner, allow, ought, by all means, to be made known to every individual whom they concern, that is, the whole community; in other words, they should be formed into a book, and effectually

[1] Papers, ut supra, v. 25, 26. [2] Ibid. v. p. 26.

disseminated and taught.[1] But when the Governor-General expressed his conviction of the great importance of embodying law in accurate definitions, that is, in a well-constructed code; in what degree was it unknown to him that this indispensable requisite to the good administration of justice was, over the greater part of the field of law, altogether wanting in the provinces which he governed, and even in his native country itself?[2]

[1] It may be useful to some persons to see, what real good sense, without the aid of systematic inquiry, has taught on this subject in a remarkable age and country. Συνιετε καθ' ὁν τροπον, ω ανδρες Αθηναιοι, ὁ Σολων τους νομους ὡς καλως κελευει τεθεναι;.....ἱν' ἐις ῃ περι των οντων εκαστου νομος, και μη τους ιδιωτας αυτο τουτο ταραττῃ, και ποιη των ἁπαντας ειδοτων τους νομους ελαττον εχειν· αλλα πασιν ῃ ταυτα αναγνωναι και μαθειν ἁπλα και σαφη τα δικαια, και προ τουτων γε επεταξεν εκθειναι προσθεν των επωνυμων, και τῳ γραμματει παραδουναι· τουτονδ' εν ταις εκκλησιαις αναγινωσκειν, ἱν' ἑκαστος ὑμων, ακουσας πολλακις. και κατα σχολην σκεψαμενος, ἁ αν ῃ και δικαια και συμφεροντα, ταυτα νομοθετῃ. Demosth. contra Leptinem: Reiske, i. 485. The circumstances here pointed out, on the authority of Solon, are, first, clearness, simplicity, and certainty in the laws; so great, that any private man may be as well acquainted with them, as little liable to sustain any evil by his ignorance of them, as the man who makes them the study of his life: Secondly, that the most effectual means should be taken to make every man fully acquainted with the laws, by exposing them, in terms, to public view, even before enactment, and making them be read by the public reader, in the congregations or assemblies.

Μαλιστα μεν ουν προσηκει τους ορθως κειμενους, ὁσα ενδεχεται, παντα διοριζειν αυτους, και ὁτι ελαχιστα καταλειπειν επι τοις κρινουσι· πρωτον μεν, ὁτι ἑνα λαβειν και ολιγους, ραον, η πολλους ευ φρονουντας και δυναμενους νομοθετειν και δικαζειν. Επειθ', ἁι μεν νομοθεσιαι εκ πολλου χρονου σκεψαμενων γινονται· ἁι δε κρισεις εξ ὑπογυιου, ὡστε χαλεπον αποδιδοναι το δικαιον και το συμφερον καλως τους κρινοντας. Το δε παντων μεγιστον, ὁτι ἡ μεν του νομοθετου κρισις, ου κατα μερος, ουτε περι των παροντων αλλα περι μελλοντων τε και καθολου εστι· ὁ δ' εκκλησιαστης, και δικαστης, ηδη περι παροντων και αφωρισμενων κρινουσι· προς οὑς και το φιλεν ηδη, και το μισειν, και το ιδιον συμφερον συνηρηται πολλακις· ὡστε μηκετι δυνασθαι θεωρειν ἱκανως το αληθες, αλλ' επισκοτειν τῃ κρισει το ιδιον ἡδυ η λυπηρον. Arist. Rhetor. lib. i. cap. 1. The proposition here is, That a system of law, to be good, must define every thing, susceptible of definition, within the field of law; and leave as little as possible to the judges. Three reasons are annexed: First, that it is easier to find one or two men, provided with the wisdom necessary for the making of laws, than to find a multitude: Secondly, that legislation is to be performed cautiously and deliberately; judication must be performed upon the spur of the occasion, and expeditiously, which takes from judges the power of tracing accurately the limits of utility and justice: Thirdly, the decision of the legislator, and that is the most important consideration of all, is not about *particulars*, and cases present to the senses; but about *genera*, and cases yet to come; whereas the decision of the judge is about particulars, and things present to the senses; things to which his passions are apt to be linked, and by which his interests are apt to be affected: in such a manner, that his discernment of right and wrong is obscured, by the intervention of what is agreeable or painful to himself.

[2] This lengthened review of the negotiations with Oude avoids, with some want of candour, their most important feature, the political necessity of the measures adopted. It was too late to inquire by what means the kind of connexion which had been formed with the princes of this country had grown up. They had become dependants upon the English government, their principality was an integral part of the British empire; was it to be suffered that this part should be a source of weakness instead of strength; that its rulers should be objects of distrust and fear instead of reliance? It was undeniable that their

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Having accomplished all the measures to which his notions of reform for Oude were extended, the Governor-

very existence was the fruit of British forbearance and protection. It was at any time in the power of the English government to annihilate their Nawab Viziers, and had their support been withdrawn those princes must have fallen victims to the superior strength and ambition of the Mahrattas. To have permitted this would, however, have brought a dangerous enemy close to the English frontiers, whilst it would have added to their means of inflicting injury. The entire command of the resources of Oude was therefore, and must ever be, a legitimate object of British policy, and an equitable return for our protection and forbearance. The resources of Oude were, however, unavailable as long as they were mismanaged; they were worse than unavailable, they were hurtful. That the Nawab Vizir could not maintain an effective body of troops was not matter of conjecture but of experience. Sadut Ali had himself declared that no trust could be placed in them if Zemaun Shah invaded Hindustan, and on the occasion of Vizir Ali's insurrection they had shown more disposition to join than to oppose him. It was evident, therefore, that the military force of Oude must be entirely under the control of the British Government. The Government well knew that troops, to be effective, must be paid: the incorrigible improvidence of Asiatic princes rendered it certain that the treasury of Lucknow would not long furnish the pay of the army with punctuality, and the only source upon which reliance could be placed, was the assignment of part of the revenues of the principality, or in other words, part of the principality itself. It is objected to this in the text, that we thereby undertook the defence of the whole with the revenues of a part; if those revenues were sufficient the objection is without force, and that they were deemed sufficient follows from the extent of the Government demand. They themselves indicated what they wanted. The same object, the safety and prosperity of the whole state, considering Oude as a part of the whole state, not as an independent and separate state, required the interposition of the supreme authority, even in the civil government of the province. It is the duty and interest of the British empire that Oude should be prosperous. Now it is very true that the shortest and simplest mode of providing for the good government, civil as well as military, of Oude, would have been the assumption of the whole authority, and the suppression of the expensive, and, sometimes, unmanageable machinery of a ruling dynasty of native princes. It may be doubted, however, if the abrupt supersession of Sadut Ali by an English functionary would have been more consonant with English notions of justice and moderation than the abstraction of a part only of his dominions, and his enforced subordination to the will of the Government. The title, the station, and many of the privileges and powers of his place were still left to the Nawab Vizir, and, at a subsequent period, he had been gratified by the title of king. This is more than a bare title, and if the authority that it implies be judiciously and ably exercised it may be exercised for all the purposes of civil administration without any control from the British Government. That it will be so exercised for any length of time is very unlikely; and the interference of the paramount state will, therefore, be still required. That interference, however, is fully justifiable upon the principle that the degree of independence left to the king of Oude is matter of sufferance, and that it must be still more limited, or altogether extinguished, whenever the interests of the British empire in India, of which it is a constituent part, clearly demand its curtailment or suppression. That the mode in which the negotiation was carried on was, in some respects, objectionable, may be admitted. The real character of the transaction was coercion. Sadut Ali was compelled reluctantly to agree to loss of territory and diminution of power. Still this merit may be claimed for the attempts at procuring his acquiescence, that they were intended to be less grating to his feelings than a stern and arrogant demand of his submission would have been. The intention was not disappointed, and Sadut Ali no doubt found some consolation for his impaired dignity in the contemplation of the struggles he had made to avert the catastrophe. A very short time after the business had been settled he seems to have been reconciled to his fate, and to have been happy in

General quitted Lucknow at the end of February, and proceeded to Benares, on his way to Calcutta. He had appointed the agents of the Bhow Begum to meet him there, for the adjustment of certain claims, which she preferred, both against the Vizir and the English government. But he was still obliged to defer the decision. A circumstance had occurred with regard to the Begum, which is too intimately connected with other proceedings of the English government in Oude, not to require to be shortly adduced. While the negotiations were proceeding with the Vizir, the Begum had formally tendered to the English government an offer to constitute the Company her heir. The object of the Begum in this determination was to secure herself completely, by the protection of the English government, against the exactions to which she was exposed at the hand of her grandson. Against this disposal of her property, however, the law of the country, and the law of nations, interposed; it being an established principle of Mohammedan jurisprudence, that the sovereign is legal heir to the property of all his subjects; and the Governor-General acknowledging "the justice and policy of preventing the transfer of individual property, by gift or testament, to a foreign state." He determined, however, to accept the legacy, and reasoned in favour of his determination in the following words: "The exalted rank of the Begum, and the superior relation in which she stands towards his Excellency the Vizir, are circumstances which distinguish her condition from that of a subject possessing no rights of property independent of the will of his despotic sovereign: She derives her title to her present possessions from the same source from which his

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the quiet enjoyment of the amusements of royalty and the accumulation of wealth. See Lord Valentia's Travels, vol. i.

Some of the comments of the text upon Lord Wellesley's general or special reasonings are not undeserved. His Lordship, like Warren Hastings, was somewhat too fond of writing. He who writes or talks much will say or write more than is necessary—something that had better have been left unsaid or unwritten. Fewer words would have been more than enough to have convinced Sadut Ali that the Governor-General, whilst he wished to preserve the show of attention to the Nawab's feelings, was determined to effect his purpose, and would have saved his noble correspondent from much of that unfriendly criticism to which his voluminous epistles have, not without some foundation, exposed him. For further illustrations of the Oude negotiations, see the Wellesley Despatches, vol. ii., also the Asiatic Annual Register, vol. viii., and the Parliamentary Debates for 1806.—W.

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Excellency derives his title to the musnud; her right, therefore to dispose of her personal property, in any manner she may deem expedient, except for purposes injurious to the interests of the state, must be admitted — and the peculiar nature of the connexion subsisting between his Excellency the Vizir and the Honourable Company, renders the Begum's proposed transfer of her wealth to the latter, at the period of her decease, wholly unobjectionable with reference to the public interests of the state of Oude." The remarkable contrast, between this doctrine relative to the property of the Begum, and the doctrine which was promulgated by Mr. Hastings, as the ground on which he bartered to the late Vizir the liberty of taking it away from her, the doctrine too on which that Governor was defended, ay, and acquitted, before the high court of parliament,[1] will not escape the attentive student of Indian history, to the latest generation. The Governor-General adds; "The character of his Excellency the Vizir, and his inordinate passion for the accumulation of wealth, justify the Begum in seeking timely protection for herself, her family, and dependants, from the effects of his Excellency's known views, and sordid disposition." Recollecting, it seems, the traffic between a predecessor of the Governor-General, and a predecessor of his own, when certain benefits to the Company were exchanged for a permission to spoil the Begum, and other members of the royal family, the Vizir had looked to this quarter, as a source of indemnity for the cessions to which he was urged, and had signified his disposition to conclude a similar bargain. The indignation of the Governor-General is expressed in the following words: "The inclination manifested by his Excellency the Vizir, in the form of a conditional assent to Lieutenant-Colonel Scott's proposal for a territorial cession, to degrade and despoil the most distinguished characters of his family and his court — a design, though under some degree of disguise, particularly directed to the Begum — and his insidious and disgraceful attempt to obtain the sanction of the British name to such unwarrantable acts of proscription, have given additional weight, in his Lordship's mind, to the arguments above detailed, and have determined his Lordship not only to acquiescence in

[1] Vide supra.

the Begum's proposal to its utmost extent, if it should be revived on her part; but to encourage her Highness to renew her proposition at the earliest period of time, and by every justifiable means."[1] Such is the language, in which Marquis Wellesley treats a conduct, which had been pursued by one of his most distinguished predecessors; defended, as meritorious, by some of the most powerful of the public men in England; and solemnly declared to be innocent, by a judicial decision of the High Court of Parliament itself.

In the meantime, the substitution of the forms and agents of the Company's government to those of the government of the Vizir was carrying on in the ceded provinces. The Governor-General had stated to the home authorities, in the letter in which he announced the ratification of the treaty, that the reasons which induced him to vest his brother with extraordinary powers for the superintendence of this service, were the great difficulty of the task, the peculiarly appropriate qualifications which Mr. Wellesley had displayed in the negotiation with the Vizir, and the authority which he would derive from his relationship with himself. And he expressed his "trust, that in the course of a year, or possibly within a shorter period of time, the settlement of the ceded districts might be so far advanced, as to enable him to withdraw Mr. Wellesley, and leave the administration of the country nearly in the same form as that of Benares."[2] When this letter reached the Court of Directors, that body of rulers, professing their inability, till they received the proper documents, to decide upon the means by which the treaty had been accomplished, declared the obligation, under which they felt themselves, to lose no time, in condemning the appointment of Mr. Wellesley, who was the private secretary of the Governor-General, and belonged not to the class of Company's servants as "a virtual supersession of the just rights" of those servants, whom the Court of Directors were bound to protect; and a violation of the act of parliament which expressly confines the filling up

[1] Instructions, under the signature of the Secretary of the Government, sent to Mr. Wellesley and Colonel Scott, at Lucknow, under date Monghir, 21st September, 1801. Papers, ut supra, iv. 18, 19.

[2] See the Letter in which he announced the ratification of the treaty, dated on the Ganges, 14th of November, 1801, papers, ut supra, v. 15.

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of vacancies in the civil line of the Company's service in India to the civil servants of the Company. They directed accordingly, "that Mr. Wellesley be removed forthwith." This letter, dated the 19th of August, 1802, transmitted, as was legally necessary, to the Board of Control, was returned, on the 20th of September, with a prohibition to express for the present any decision upon the appointment of Mr. Wellesley, for the following reasons; first, because the service to which Mr. Wellesley was appointed, being not in the fixed and ordinary line of the Company's service, and not permanent, but extraordinary and temporary, it did not appear that the rights of the covenanted servants, or the law which prescribed the mode of supplying vacancies, were infringed; secondly, because occasions might occur in which, for extraordinary duties, the employment of persons, without the line of the Company's service, might be expedient; thirdly, because if there existed any such cases, it was proper to wait for the reasons of the Governor-General, before a decision was pronounced; especially, as Mr. Wellesley, it was probable, would have resigned his office, before the order for his removal could be received, and as he had disinterestedly declined all emoluments beyond the amount of what would have belonged to him, as private-secretary to the Governor-General.[1]

On the 13th of March, 1802, the Governor-General wrote to the Court of Directors in the following words: "I have the satisfaction to assure your Honourable Court, that the settlement of the ceded provinces has proceeded with a degree of facility and success, which has exceeded my most sanguine expectations."

A business, relating to another territorial cession, in the mean time occupied the attention of the Lieutenant-Governor. In addition to the territorial cessions which had been extorted from the Nawab Vizir, was the tribute paid to the government of Oude by the sovereign of Furruckabad. The ancestors of this Prince had long solicited, and enjoyed, the protection of the East India Company, against the wish to dispossess them, which they knew was cherished by the Nabobs of Oude. Their principality extended along the western banks of the Ganges,

[1] Papers, ut supra, ii. 42—44.

adjoining the north-western boundary of the principality of Oude, a space of about 150 miles in length, and a third of that extent in breadth; yielding a revenue of nearly ten and a half lacs of rupees. It was surrounded for the greater part by the territories belonging to Oude, which had been recently transferred to the East India Company. For terminating the disputes, which had long subsisted between the princes of Furruckabad and Oude, a treaty, under the influence of the English government, was concluded in 1786; according to which it was agreed, that the Nawab of Furruckabad should not retain any military force beyond what was requisite for purposes of state; that the Nawab of Oude should always maintain a battalion of Sepoys in Furruckabad for the protection of the territories and person of the Nawab; and "on account," says the treaty, "of the troops which the Nawab Asoph ud Dowla shall so maintain, the Nawab Muzuffer Jung will pay him the sum of four lacs and fifty thousand rupees yearly, instead of all the sums which the said Asoph ud Dowla, in capacity of Vizir, used formerly to take from him; and henceforth his people shall be at his own disposal." The English government having, in its quality of protector, quartered a Resident upon the Nawab of Furruckabad, and a use having been made of his power, which the Marquis Cornwallis, in a despatch to his masters, described as "having ever been highly offensive to the Vizir, as having in no degree promoted the interest or the satisfaction of the Nawab, and as having — while it produced no sort of advantage to the Company — by no means contributed to the credit of the government of Hindustan," that Supreme Governor, in 1787, determined, "That the English Resident at Furruckabad should be recalled, and that no other should afterwards be appointed."

The eldest son of the Nawab Muzuffer Jung being convicted of the murder of his father, was carried to Lucknow, and confined by orders of the Vizir, when the succession devolved upon the second son of the late Nawab, at that time a minor. The appointment of a regent was regarded as a point of too much importance to be left to the Vizir; the English government interfered, and made choice of an uncle of the young Nabob, who

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had formerly been minister. On the visit paid by the late Governor-General to Lucknow, in 1797, he was waited upon by the young Nawab, and the Regent, who had numerous complaints to prefer against one another. The Regent was continued in his office, and terms were drawn up for better regulating the administration. The Marquis Wellesley, in his progress towards Oude, had required the presence of both the Nawab and the Regent at Caunpore, and had carried them with him to Lucknow. His purpose was, both to receive their acknowledgements upon the late transfer of the Furruckabad tribute; and "to adjust," as he himself expresses it, "the terms of a new and improved arrangement of the affairs of that principality — upon terms calculated to secure its prosperity, and beneficial to the interests of the Honourable Company." The pressure, notwithstanding, of other affairs, prevented him from engaging in the business of the meditated changes; and he left the execution of them to the Lieutenant-Governor of the ceded country, to whom the Nawab and Regent were desired to repair with all practicable expedtion.[1]

The termination of the Nawab's minority was now approaching, when he desired that the power and management of his principality should be put into his own hands. In writing his instructions to Mr. Wellesley, the Governor-General remarks, that the time was now come, when it became necessary either to vest the Nawab with the general government of the country, or to demand the cession of it to the Honourable Company.

The advantages of the cession to the Company, "both in a political and pecuniary point of view," he said, "were obvious." And to leave the principality to the rightful heir of its ancient masters, was extremely objectionable; inasmuch as the Regent, who had an interest in defaming him, had given him a very bad character. It is true, the Nawab had also given the Regent a bad character; but the Regent, it seems, met with belief; the Nawab, not.

Two remarks are here unavoidable. The first is, that whatever were the springs of action in the mind of the

[1] Papers, ut supra xii. 9. See also the article of charge against Marquis Wellesley, relating to Furruckabad. For the statistics of Furruckabad, see Rennel and Hamilton's East India Gazetteer.

Governor-General, he was forcibly drawn to believe, in conformity with his wishes; and few men, where the case is involved in any obscurity, are capable of believing in opposition to them. The next remark is, that we have here another instance of the doctrine, taught to the world, both by the reasonings, and still more remarkably by the practice of the Governor-General, that, wherever the character of a sovereign is bad, and his government either bad, or so much as likely to be so, he ought to be deposed, and his power transferred to hands, in which a better use may be expected to be made of it.

It is not to be supposed, that the Governor-General would wish to narrow his doctrine to the basis of his particular case; because that would reduce it to the atrocious Machiavelism, That it is always lawful for a strong prince to depose a weak one, at least if he has first kept him a while in the thraldom of dependence, whenever he chooses to suppose that he himself would govern better than the weak one.

The Regent arrived at Bareilly which the Lieutenant-Governor of the ceded districts had made the seat of his administration, on the 30th of April, 1802, a few days earlier than the Nawab. The Lieutenant-Governor requested to know what plan of reform he would recommend, for the government of the Nabob's country. "He appeared at first," says the Lieutenant-Governor, "very unwilling to disclose his sentiments, stating in general terms that he was unable to form any judgment of what was best for the country; but that he was willing to subscribe to any arrangement which the Governor-General might deem advisable." The Lieutenant-Governor, proceeded to press him, declaring to him, that "without a free and unreserved communication, on his part, no confidential intercourse could subsist between them." The Regent stated his wish to decline the suggestion of any opinions, and entreated to hear what were the designs of the British government. "Being desirous," says the Lieutenant-Governor, "that the proposal, of vesting the civil and military authority in the hands of the British government, should originate with the Regent, I continued to urge him to an unreserved disclosure of his sentiments with respect to the most eligible plan for the future

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government." He then stated, that three modes occurred to his mind. One was, that the administration should still remain in his own hands. Another was, that the Nawab, upon the expiration of his minority, should assume the reins of government. The third was, that the English should take the government to themselves. As to the first plan, the Lieutenant-Governor replied, that the aversion of the Nawab would render it impracticable. From the second, if the character ascribed to the Nawab, by the Regent himself, were true, the effects of good government could not be expected. Remained, as the only unobjectionable scheme, the transfer of all the powers of government to the Honourable Company. "Here," says Mr. Wellesley, in his account transmitted to the Governor-General, "I stated, that your Lordship had long been of opinion that this was the only arrangement which could ultimately afford satisfaction to all parties, and establish the welfare and prosperity of the province upon a secure and permanent foundation." The Regent was assured that a liberal provision would be made for all the persons whom this arrangement affected, and that his interests in particular would not be neglected. The Regent "stated in reply, that he had the fullest reliance upon the British government; and that he was ready to promote the Governor-General's views, by all the means in his power."

Upon the arrival of the Nawab, a representation was made to him of the necessity of a radical reform in the government of his country, and of the plan which the Governor-General approved. Requesting to receive the proposition in writing, it was transmitted to him in the following words; "That the Nawab should be continued on the musnud of his ancestors with all honour, consigning over the civil and military administration of the province of Furruckabad into the hands of the Company's government: that whatever balance should remain from the revenues collected, after paying the amount of the Company's tribute, the charges of government, and the expense of a battalion of Sepoys, in the room of an army now maintained by the Regent, should be paid without fail into the Nawab's treasury." What is here remarkable is the *language*; the Nawab was to be continued on the throne of his ancestors, with all honour; at the same

time that the government and dominion of the country were wholly and for ever to be taken from him, and he was to be reduced to the condition of a powerless individual, a mere pensioner of the state. A new degree of skill, in the mode of stating things, had been acquired since abdication was proposed to the Vizir. The Nawab remonstrated, in moderate, but pathetic terms: "I have understood the proposition for delivering up the country of Furruckabad into the hands of the Company's government. I have no power to make any objections to whatever you propose: but you know that the Governor-General, during my minority, delivered over the country to Khirudmund Khan, as deputy; now that my minority has passed, when I was in hopes that I should be put in possession of the country and property, this proposition is made to me. I am totally at a loss what to do. If I deliver over the country to the English government, all my relations and my neighbours, and all the nobility of Hindustan, will say that I have been found so unfit by the English government, and they did not think proper to intrust me with the management of such a country: and I shall never escape, for many generations, from the sneers of the people. If, on the contrary, I say anything in disobedience to your orders, it will be against all rules of submission and propriety." He then proceeded to propose, that the English government should appoint one of its own servants, as superintendent of revenue; who should take cognizance of the collections; send even his own agents to the villages, to act in common with the Furruckabad collectors; and transmit the stated tribute to the Company. "In this way," said he, "your wishes may be accomplished, and my honour and name preserved among the people.—As hitherto, no person throughout Hindustan, without a fault, has been deprived of the Company's friendship and generosity; if I should also gain my desires, it would not derogate from your friendship and generosity."

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The Lieutenant-Governor immediately replied, that his proposition was inadmissible; that, according to the conviction of the Governor-General, nothing but transfer of the government could answer the ends proposed; and "he renewed that proposition with an earnest request that

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the Nabob would take it into his cool and dispassionate consideration." The Nawab, still venturing to declare it "extraordinary, that no other mode could be devised," for the rectification of what was amiss, entreated to be furnished with a statement of the revenues, of the demands of the English, and of the balance which would remain for his subsistence, after deduction of them was made. By the account which was delivered to him, it appeared that he would receive 62,366 rupees, per annum. The Nawab offered little further objection. Some moderate requests which he preferred were liberally granted. And a treaty was concluded on the 4th of June, 1802, by which the country was ceded in perpetuity to the English, but instead of the balance of the revenues, a fixed sum of one lac and 8000 rupees per annum was settled on the Nawab.

"It may be proper," says the Lieutenant-Governor, in concluding his report, upon this transaction, to the Governor-General, "to observe, that Khirudmund Khan (the Regent) has afforded me no assistance towards obtaining the Nawab's consent to the cession, although upon his arrival at Bareilly, he confessed himself to be aware of the necessity of it.—I have great reason to be satisfied with the conduct of the Nawab; who, if he had been suffered to follow the dictates of his own judgment, would, I am persuaded, have acceded to your Lordship's proposals with very little hesitation. He has invariably expressed himself desirous of promoting your Lordship's views, by all the means in his power." The ground, then, upon which the necessity of taking the country was founded, namely, the bad character of the Nabob, was discovered, and that, before the conclusion of the business, to be false.[1] "It is satisfactory," says the Lieutenant-Governor in another despatch, "to reflect that the transfer of the province of Furruckabad has not been less beneficial to the interests of the Nabob than to those of the Company. Previously to my departure from the ceded provinces, I had an interview with the Nabob at Furruckabad, who expressed himself highly gratified by the arrangement which had taken place; and whose respectable appearance, surrounded by his family and dependants, formed a striking

[1] Papers, ut supra, xii. 9—28.

contrast with the state of degradation in which he appeared, when the affairs of Furruckabad were administered by his uncle, the Nabob Khirudmund Khan."[1] It is curious enough to observe the doctrine which is held forth by the Anglo-Indian government. Uniformly, as they desire to transfer the sovereignty of any prince—the Nabob of Furruckabad, the Nabob of Oude, the Nabob of the Carnatic, the Raja of Tanjore,—to themselves, they represent it as no injury to the Prince to be deprived of his sovereignty; but, on the other hand a benefit, and a great one, if they are allowed to live upon a handsome income, as private men. Do the East India Company, and the servants and masters of the East India Company, limit their doctrine to the case of East India Princes, or do they hold it as a general doctrine, applicable to princes in every part of the globe?

In what was called the settlement of the country, for which the Lieutenant-Governor was specially appointed, the principal duty which he prescribed to himself, the principal duty which was expected of him, was to put in play the English machinery for the collection of the revenue. The English collectors were distributed; and, after as much knowledge as they could, by inquiry and personal inspection, obtain respecting the ability of the contributors, an assessment at so much per village was laid on the land; and the terms of it settled for three years. In some of the districts, in which the present desolation seemed easy to be repaired, an increase of rent was to be levied each succeeding year.

The Sayer, including duties of transit, and some other taxes, the Lieutenant-Governor found here to be characterized by the same inconvenience which had recommended the abolition of them in Bengal; namely, great expense of collection, great vexation to the people, and little revenue to the government. He, therefore, took them away; and established a regular custom-house tax, in their place.

Salt, in the ceded districts, had heretofore only paid certain duties to the government; and was imported into the districts by dealers. These dealers are represented by the Lieutenant-Governor as few in number, able to

[1] Papers, ut supra, i. 36.

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support a kind of monopoly, and regulate the price at their will. The sale of salt was now erected into a monopoly in the hands of government. The Lieutenant-Governor calculated, that the profit to government, "without," he says, "*materially* enhancing the price to consumers," would be eleven lacs of rupees per annum.

The commercial resources of the country presented to the Lieutenant-Governor an object of particular care. There was no obstruction, but what might easily be removed, in the navigation of the Jumna, from its entrance into the country, to its junction with the Ganges. By removing the evils which had driven commerce from this river, piracy, and vexatious duties, he expected to increase exceedingly the commercial transactions of the country, and to render Allahabad, which was a sacred city of great resort, a remarkable emporium between the eastern and western quarters of Hindustan.[1]

The Commissioners of the Board of Settlement, in addition to their administrative duties, as assistants of the Lieutenant-Governor, were appointed the judges of circuit and appeal; and six judges, with the title of registrars, were destined to hold Zillah Courts, at the six principal places of the country.[2]

In the new country were several Zemindars, who, as usual under the native governments, had enjoyed a sort of sovereignty, and of whom little more was exacted than an annual tribute, and sometimes the use of their troops in war. In the first year of the Company's possession, these Zemindars were only required to yield the same tribute which they had paid to the Vizir. To the alterations which were proposed in the second year, a Raja, named Bugwunt Sing, who possessed the two forts of Sasnee and Bidgeghur, and maintained an army of 20,000 men, showed an aversion to submit. He was given to understand, that in the terms no alteration would be made, and that non-compliance must be followed by the surrender of his forts. It was deemed a matter of more than ordinary importance to dispossess Bugwunt Sing of these two forts, both as they rendered him too powerful for a compliant subject, and as his example afforded encouragement to other Zemindars.

[1] Papers, ut supra, i. 34—42. [2] Ibid. p. 64.

On the 12th of December, 1802, Lieutenant-Colonel Blair, with a force consisting of four troops of native cavalry, four battalions of native infantry, and a supply of ordnance, took a position about two miles distant from the fort of Sassnee. He was not ready to commence the operations of the siege till the 27th, when the approaches were begun, at the distance of 800 yards from the place. On the 28th the garrison began for the first time to fire. On the 30th, towards evening, a sally was made against the head of the trenches, and repulsed with a very trifling loss. On the 3rd of January, 1803, about the same time of the day, another sally was made on the trenches, by a large body of infantry, under cover of a heavy fire from the fort; but though some of the enemy rushed impetuously into the trenches, they speedily retired. The breaching and enfilading batteries were completed on the night of the 4th. It was found necessary to increase the force, employed in the reduction of the Raja. The 4th regiment of native cavalry, the 2nd battalion of the 17th regiment, and five companies of his Majesty's 76th regiment were added; and the Honourable Major General St. John was sent to take the command. On the evening of the 14th, Lieutenant-Colonel Blair, judging the breach to be practicable, selected fifteen of the flank companies for the assault, and ordered them to storm a little before daybreak, while a false attack was made on the opposite side of the fort. They descended into the ditch, and planted their ladders; but unhappily found that by the unexpected depth of the ditch, and the sinking of the ladders in the mud, they came short of the necessary length by several feet. After an ineffectual endeavour to mount, and after the sepoys had remained fifteen minutes upon the ladders, exposed to a heavy fire, the party was withdrawn, with the loss of ten men killed, and somewhat more than double the number wounded.

The Commander-in-Chief repaired to Sasnee with the reinforcement of another regiment of cavalry; joined the besiegers on the 31st; ordered the approaches to be advanced 200 yards, and the place to be invested as closely as possible. On the 8th, the town adjoining the fort was taken. The enemy defended it feebly; but made a strong, though unsuccessful, attempt, to recover it the following night.

About eight o'clock on the evening of the 11th, the garrison evacuated the fort without being perceived. As soon as the event was known, a party of cavalry hastened, and with some success, to prevent them from getting into the fort of Bidgeghur. The Raja withdrew to a fort, which belonged to him, within the line of the Mahratta frontier.

The army proceeded on the 13th, and summoned Bidgeghur, which the commander, without the consent of his master, declined giving up. Weather being adverse, the batteries were not ready till the morning of the 21st. On the evening of the 27th, the breach was made practicable, and at five o'clock in the morning, the assault was to begin; but during the night, exceedingly dark and rainy, the garrison were discovered evacuating the fort. Though many were killed, the majority, and all the principal leaders escaped. The loss during the siege was trifling, but Lieutenant-Colonel James Gordon, an officer of merit, was killed by the explosion of a powder-magazine in the fort, the morning after it was taken.[1]

In the month of March, the commission appointed for the provisional government of the ceded provinces was dissolved; Mr. Wellesley resigned his situation of Lieutenant-Governor; and immediately returned to Europe. In a despatch, dated 19th of November, 1803, the home authorities declare their entire approbation of the late transactions with the Vizir; "the stipulations of the treaty being calculated to improve and secure the interests of the Vizir, as well as those of the Company;" nay more, "to provide more effectually hereafter for the good government of Oude, and consequently for the happiness of its inhabitants." "We cannot conclude," they say, "without expressing our satisfaction, that the cessions in question have been transferred, and provisionally settled, with so little delay, as already to admit of their being brought under the general administration of the Bengal government. The special commission, at the head of which Mr. Henry Wellesley was placed, appear to us to have executed their trust with zeal, diligence, and ability; and the settlement of the revenue, which they have concluded for a period of three years, holds out flattering prospects of

[1] Papers, ut supra, Supplement, No. 2, to vol. iii.

future increase. The general report, delivered in by Mr Wellesley, on the termination of his mission, has afforded us much satisfactory information with respect to the resources of the upper provinces; and we are happy to take this occasion of approving the conduct, and acknowledging the services of that gentleman."[1]

As the temptation of administrators to exaggerate the success of their measures is almost irresistible; as the distance of Indian administrators affords them, in this respect, peculiar advantages; and as it is pleasing to be led by flattering representations, this is a deception against which the public, as yet, are by no means sufficiently on their guard. "It is with the highest degree of satisfaction," says the Governor-General in Council, in a despatch in the revenue department, to the home authorities, dated 20th of October, 1803, "that his Excellency in Council acquaints your Honourable Court, that the wisdom of those measures, adopted during the administration of Mr. Wellesley, for promoting the improvement and prosperity of the ceded provinces, appears to have been fully confirmed by the tranquillity which has generally prevailed through the country, and by the punctuality and facility with which the revenue, on account of the first year of the triennial settlement, has been realized."[2] From such a representation as this, every man would conclude, that great contentment and satisfaction prevailed. Hear Mr. Ryley, who was appointed judge and magistrate of the district of Etawah, in February, 1803, and there remained till 1805. Being asked, as a witness before the House of Commons, on the 20th of June, 1806, "Were the Zemin-

[1] Papers, i. 38.

[2] Papers, ut supra, p. 46. "The satisfaction," says the judicial letter from Bengal, in the department of the ceded provinces, dated on the same 20th of October, "generally manifested by all descriptions of persons in the ceded provinces, at the transfer of these provinces to the authority of the British government, and the uninterrupted success which attended the measures adopted under the sanction of the Governor-General in Council, by the late Lieutenant-Governor, and the Board of Commissioners, for the complete establishment of the authority of the British government in these provinces, appeared to his Excellency in Council to leave no room to doubt of the expediency of immediately introducing into the ceded provinces the system of internal government established in Bengal. It is with the highest degree of satisfaction, His Excellency in Council is enabled to add, that the tranquillity which has in general prevailed throughout the country, and the submission and obedience, manifested by all classes of people to the authority of the laws, afford abundant proof, both of the beneficial operation of the new form of government, and of the expediency of its introduction." Supplement, ut supra, p. 301.

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dars, and higher orders of the people, attached to our government during the whole period you were judge and magistrate of the Etawah district?"— he answered; "Generally speaking, I believe the higher orders of people in our district were not at all well-inclined to the British government.—Do you not believe that they are ripe for a revolt if a favourable opportunity should offer?—They certainly showed that disposition once or twice during the time I held that office. During your residence there, did the inhabitants become more, or did they become less reconciled to the British government?—I conceive they were subsequently much less reconciled, certainly, than they were at first.—To what cause do you attribute that?—To their being dissatisfied with the rules and regulations introduced into the country for their government.—Did that prevail principally among the Zemindars, or the inhabitants in general?—The inhabitants, in general, are so influenced by the conduct and desires of the Zemindars, who are independent princes, that their desire is principally that of the head men.—Do you consider that the Zemindars, while they were nominally under the Nabob, considered themselves as independent princes, and acted as such?—Certainly, they considered themselves as independent princes."[1] It by no means follows, that any blame was due to the government, on account of the disaffection of the Zemindars; because they were dissatisfied, from the loss of their power; and so long as they retained it, good government could not be introduced. Yet a desire existed, on the part of administration, to conceal the fact, to conceal it probably even from themselves.

After several manifestations of a refractory spirit, the Zemindar of Cuchoura agreed to deliver up his fort. On the 4th of March, 1803, an English captain, and two companys of sepoys, were admitted within the outer wall, when the army of intimidation, which had accompanied them, was withdrawn. After they had been delayed under various pretences, for several hours, a gun was run out from the upper fort to a position in which it could rake the passage in which the sepoys were drawn up, and the parapets of the walls on each side, were lined immediately with about eight hundred armed men; when a mes-

[1] Minutes of Evidence, p. 54—59.

sage was received from the Zemindar, that unless they retired, they would all be destroyed. As nothing could be gained by resistance, the commanding officer obeyed and was not molested in his retreat. When the army had taken up its position before the place, the Zemindar wrote a letter, in which he affirmed, that he had been treated with indignity by the gentlemen who had arrived to demand surrender of the fort, that hostilities were begun by the English troops, and that so far from intentions of war, he was ready to yield implicit obedience. After what had happened, he was told, that nothing would suffice but the unconditional surrender of himself, and all that appertained to him. The trenches were begun on the night of the 8th; the breaching battery opened on the morning of the 12th; and before night, had made such progress, that with two hours more of daylight, the breach would have been effected. Between seven and eight o'clock in the evening, the enemy rushed from the fort, with a resolution to force their way through the chain of posts which surrounded them. They were attacked, and pursued for several miles with considerable slaughter. The principal loss of the English was in Major Nairne, an officer of the highest promise, who was killed by a matchlock ball, as he was leading his corps to the charge.[1]

The evidence of disaffection in the ceded districts broke out, in a manner somewhat alarming, at the commencement of the Mahratta war. On the 4th of September, 1803, a party of Mahrattas, led by a French officer, made an incursion in the neighbourhood of Shekoabad, in the district of Etawah. Mr. Ryley is asked by the House of Commons, "Did the Zemindars and the other people not show an inclination to join him?" He answered, "They not only showed an inclination, but they actually did join him."[2]

The Raja Chutter Saul possessed the fort of Tetteeah, and had not only shown a refractory, but a predatory disposition; he was therefore considered in rebellion, and a

[1] Papers, ut supra, Supplement, No. 2 to vol. iii.

[2] Minutes of Evidence, p. 55. "From the general spirit of revolt which the Zemindars of this country exhibited, on the small check which our troops received at Shekoabad, &c." says a letter of Captain M. White commanding at Etawah, dated 12th September, 1803. Papers, ut supra, Supplement, No. 2, vol. iii.

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reward offered for his person, either dead or alive. On the 30th of September, Lieutenant-Colonel Guthrie marched to Teeteeah; and, as it had been dismantled by a detachment of the British army a few months before, expected to take it by assault. After a severe contest of some hours, he was overpowered by the enemy, and sent a message to Captain Dalston to hasten to his relief. On the arrival of that officer, he found the force under Colonel Guthrie completely broken, and sheltering themselves in the ditch, immediately under the wall of the fort: while the people within, not able to take aim at them with their matchlocks, were throwing powder-pots, which exploded among them in the ditch, and the people of the surrounding villages were assembling to attack them from without. Captain Dalston with his field-pieces soon cleared the tops of the walls; and enabled Colonel Guthrie and his party to make their escape from the ditch. The loss was serious, Colonel Guthrie and three other English officers were wounded, the first mortally. Of the native officers nearly one third were either killed or wounded. They were unable to bring off either their gun or tumbril, of which the one was spiked, the other blown up. On the following night, the enemy evacuated the fort, and the Raja fled to the other side of the Jumna.

Whatever belonged to the offenders was, in these cases, taken as forfeited to the government; for their persons, all the more eminent among them found the means of escape.[1]

CHAPTER X.

The Nabob of Surat deposed.—The Raja of Tanjore deposed.—The Nabob of Arcot deposed.—[*The Governor-General resigns.*]

THE city of Surat, situated in the province of Gujrat, on the south side of the river Taptee, was by far the greatest place of maritime commerce in India, when the

[1] Minutes of evidence, p. 55.—M. Whatever may be thought of the means by which possession of these districts was obtained, the occurrences narrated in the text are strong proofs that the change of masters was for the benefit of the country. It was quite impossible for any government to subsist where every petty chief intrenched himself in his castle, and was able to set his liege lord at defiance. It required the power and vigour of the British government to put an end to this state of anarchy in the Doab.—W.

Europeans first discovered the passage by the Cape of Good Hope. Communicating easily with some of the richest provinces of the Mogul empire, it was conveniently situated not only for the traffic of the western coast of India, but, what was at that time of much greater importance, the trade of the Persian and Arabian gulfs. As it was the port from which a passage was most conveniently taken to the tomb of the prophet, it acquired a peculiar sacredness in the eyes of Mussulmans, and was spoken of under the denomination of one of the gates of Mecca. It acquired great magnitude, as well as celebrity; for, even after it had confessedly declined, it was estimated in 1796 at 800,000 inhabitants; and though it is probable that this amount exceeds the reality, Surat may at this time be regarded as the largest city in India. When the votaries of the ancient religion of Persia, of which the Zend, and its commentary, the Pazend, are the inspired and sacred books, were driven from Persia, and the tolerating policy of Akbar drew a portion of them to India; Surat, as the most celebrated landing-place from Persia, became the principal place of their abode; and there, about 14,000 of their descendants still preserve their manners, and adhere to their worship.

The present fort or castle of Surat was erected about the year 1543, when Sultaun Mohammed Shah was King of Gujrat. As this kingdom soon after yielded to the Mogul arms, Surat became subject to the government of Delhi. It fell in with the Mogul policy, to separate the administration of the city, from the government of the castle. The Governor of the castle, and its garrison, were maintained by lands or jaghires, and tunkas or assignments on the revenue. The Governor of the town received the customs, or taxes on exports and imports; the taxes called mokaats, on almost all commodities; and the land revenue, subject to certain deductions for the Delhi treasury, of some surrounding districts.

For the maritime protection of the western side of India, the Mogul government established a fleet. Its expense, in the whole or in part, was defrayed by assignments on the revenues of Surat. Some time after the command of this fleet had fallen into the hands of the chiefs called the Siddees of Rajapoor, or about the year

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1734, the Mahrattas, carrying their conquests over almost all the province, reduced the revenues of Surat to the taxes levied within the town, and the produce of a few remaining districts. The Nabob of Surat, thus straitened in his resources, began to fail in his payments to the fleet. Thereupon the Siddees blockaded the port; and compelled him to appropriate to those payments the revenue of the principal district from which any land revenue was now derived, as well as a considerable part of the duties collected within the town. In the year 1746, died the Nabob Teg Beg Khan, and was succeeded in the Nabobship by Sufder Khan, whose son, Vukar Khan, entered at the same time upon the government of the castle. But Mea Achund, who had married into the family of the late Nawab, and was supported by his widow, and some of the leading men, contrived to possess himself of the castle, to the expulsion of Vukar Khan. He also applied to the Mahratta, Damagee, the ancestor of the present Gaekwar princes; and promised him a portion of the revenues of Surat, if aided by him in expelling also the Nabob of the town. By this, commenced the Mahratta chout, which was afterwards shared with the Peshwa. An officer, as collector of chout, was established on the part of the Peshwa, and another on the part of the Gaekwar princes, who, under the pretence of its affecting the revenues, and hence the Mahratta chout, interfered with every act of administration, and contributed to increase the misgovernment of the city. Even when the English, at a much later period, conceived the design of forcing upon the Nawab a better administration of justice, they were restrained by fear of the Mahrattas, to whom the chout on law-suits (a fourth part of all litigated property was the fee for government) was no insignificant portion of the exacted tribute.

Mea Achund succeeded in expelling the Nabob of the city, and was himself after a little time compelled to fly; but a second time recovered his authority, which he permanently retained. Amid these revolutions, however, the government of the castle had been acquired by the Siddee. But the use which he made of his power was so oppressive to the city, that several invitations were soon after made to the English to dispossess him; and take

the command both of the castle and the fleet. Fear of embroiling themselves with the Mahrattas, and the danger of deficient funds, kept the English shy till 1758, when an outrage was committed upon some Englishmen by the people of the Siddee, and all redress refused. The Nabob agreed to assist them in any enterprise against the Siddee, provided he himself was secured in the government of the town. A treaty to this effect, reserving to the English the power of appointing a Naib or deputy to the Nawab was concluded on the 4th of March, 1759; and on the same day the Siddee agreed to give up the castle and the fleet. Sunnuds were granted from Delhi, vesting the Company with the command and emoluments of both; in consequence of which, the Mogul flag continued to fly on the castle, and at the mast-head of the Company's principal cruiser on the station. The annual sum, allotted by the sunnuds for the expense of the castle and fleet, was two lacs of rupees; but the sources from which it was to be derived were found to be far from equal to its production.

In 1763, the Nawab Mea Achund died; and, under the influence of the Bombay government, was succeeded by his son. In 1777, the office of Naib was wholly abolished, by consent of the Company; and its funds transferred to the Exchequer of the Nabob.

Another succession took place in 1790, when the father died, and the son, in right of inheritance, avowed by the English government, ascended the musnud. His right was exactly the same as that of the other governors, whose power became hereditary, and independent, upon the decline of the Mogul government; that of the Subahdars, for example, of Oude, of Bengal, and the Deccan, or the Nawab of Arcot, acknowledged and treated as sovereign, hereditary princes, both by the English government, and the English people.

The expense which the English had incurred, by holding the castle of Surat, had regularly exceeded the sum, which, notwithstanding various arrangements with the Nabob, they had been able to draw from the sources of revenue. Towards the year 1797, the English authorities, both at home and at the spot, expressed impatience under this burden, and the Nawab was importuned for two

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things; the adoption of measures for the reform of government in the city; and an enlargement of the English receipts. The expedient in particular recommended, was, to disband a great proportion of his own undisciplined soldiery, and assign to the English funds sufficient for the maintenance of three local battalions. "The Nabob," says Governor Duncan, "betrayed an immediate jealousy of, and repugnance to, any concession; as well on the alleged ground of the inadequacy of his funds; as of the principle of our interference with his administration; which he declared to be inconsistent with the treaty of 1759." Notwithstanding this, he was induced, after a pressing negociation, to consent to pay one lac of rupees annually, and to make other concessions to the annual amount of rather more than 30,000 rupees. But on the 8th of January, 1799, before the treaty was concluded, he died. He left only an infant son, who survived him but a few weeks: and his brother, as heir, laid claim to the government.

The power of the English was now so great, that without their consent it was vain to hope to be Governor of Surat; and it was resolved, on so favourable a conjuncture, to yield their consent, at the price alone of certain concessions. These were, the establishment of a judicature, and the payment of a sufficient quantity of money. The negotiation continued till the month of April, 1800. The chief difficulty regarded the amount of tribute. Importunity was carried to the very utmost. The re-establishment of the naibship was the instrument of intimidation; for the right of the claimant was regarded by the Bombay government as too certain to be disputed. Governor Duncan, in his letter to the English chief at Surat, dated 18th April, 1799, describing a particular sum of money as no more than what the Nabob ought to give, to ensure his succession, and prevent the English from appointing a naib, adds, "which we have as clear a right to do, as he has to become Nabob; or to enjoy the fruits of our protection to his family and himself. Both points stand equally specified in the treaty." With regard to the right, however, of re-establishing a naibship, after having sanctioned its abolition, the case was by no means clear. The Court of Directors, in their letter to the Bombay Presidency, dated

the 17th of February, 1797, had declared, "Although it cannot be denied that the present Nabob, his father, and his grandfather, owed their elevation to the influence of the Company; we doubt our right to impose upon the Nabob an officer under this denomination; from the consideration that the first naib, nominated by the Company's representatives in 1759, was appointed under an express article of a written agreement with the then Nabob Mea Achund, and that upon the death of a second naib the office was consolidated with the office of Nabob, and was not renewed upon the succession of the present Nabob." With regard to the right of inheritance in the present claimant, beside the declarations of Governor Duncan, of which that above quoted is not the only one, Mr. Seton, the chief at Surat, in his letter to Mr. Duncan, of the 26th of December, 1799, says, "The Supreme Government determined the musnud to be the hereditary right of his brother, and from that decision, consequently now his established inheritance."

The claimant consented to pay a lac of rupees annually but perseveringly insisted that beyond that sum the revenues of the place would not enable him to go. After every mode of importunity was exhausted, and every species of inquiry was made, Mr. Seton became satisfied, that his statement was just, and on the 18th of August, 1799, wrote to the Governor of Bombay, in the following words "I have left nothing undone; and pressed him to the utmost. I am convinced he has not the means, or believe he really would pay more. Poor Mr. Farmer has been led into a false opinion of the resources of Surat; and I could almost venture to stake my life on it, that more than the lac is not to be got by any means short of military force. Take the Government from the family, and pension them (though such a measure would, in my humble opinion, be contrary to good faith), I scarce believe, after all endeavours, that the Company with these pensions, and the increased necessary establishments, would be more in pocket, than they will now with their present establishment and this donation. What were the views of the Company in possessing themselves of the castle? Whatever they were, they are not altered, and they were then satisfied with the castle, and tunka revenue, which is only

diminished from a decrease of trade; and here a lac is unconditionally offered, which exceeds the amount of castle and tunka revenue by 25,000 rupees per annum; yet the present government are not satisfied therewith, and still want more; which cannot be raised, if the Nabob does not squeeze it out of the subjects."

A despatch from the Governor-General, dated 10th March, 1800, was in due course received, which ordered the Nawab to be immediately displaced, and the government and revenues to be wholly assumed by the English. This was the most unceremonious act of dethronement which the English had yet performed; as the victim was the weakest and the most obscure. Some of the explanations with which this command was accompanied are not much less remarkable than the principal fact. Not negotiation, but dethronement, would have been adopted from the first, except for one reason, namely, a little danger. "The exigencies of the public service," says the Governor-General, "during the late war in Mysore, and the negotiations which succeeded the termination of it, would have rendered it impracticable for your government to furnish the military force, indispensably necessary for effecting a reform of the government of Surat, even if other considerations had not rendered it advisable to defer that reform until the complete re-establishment of tranquillity throughout the British possessions in India." It is here of importance, once more, to remark upon the phraseology of the Governor-General. To dethrone the sovereign, to alter completely the distribution of the powers of government, and to place them in a set of hands wholly different and new, though it constituted one of the most complete revolutions which it is possible to conceive, was spoken of as a "reform of the government."

The reasoning, by force of which the Governor-General claims the right to make such a reform, ought to be heard. "On a reference," says he, "to the treaty of 1759, concluded with Mayen-ed-din, we find that it was only a personal engagement with that Nabob, and that it did not extend to his heirs. Independent of the terms of the treaty, the discussion which passed in 1793, on the death of Mayen-ed-din, as well as the letter from your government, dated the 25th of March, 1790, when the office of Nabob

again became vacant, prove it to have been the general sense, that the operation of the treaty of 1759 ceased on the demise of Mayen-ed-din. The power of the Mogul having also become extinct, it follows, that the Company not being restricted with respect to the disposal of the office of Nabob by any specific treaty, are at liberty to dispose of it as they may think proper."

Here two things are assumed: first, that the English of that day were not bound by the treaty of 1759; the second, that, wheresoever not bound by specific treaties, the English were at liberty to dethrone any sovereign whom they pleased; or, in the language of the Governor-General, "to dispose of the office of Nabob, as they may think proper." Upon no part of this reasoning is any comment required.[1]

Attention is also due to the conduct of the Bombay rulers. Governor Duncan and Mr. Seton, had, both of them, previously declared their conviction of the clear right of the Nabob, not only to the Nabobship by inheritance, but to the support and alliance of the English, by a treaty which their acts had repeatedly confirmed. Yet, no sooner did they receive the command of the Governor-General to dethrone him, than they were ready to become the active instruments of that dethronement, and, as far as appears, without so much as a hint, that in their opinion the command was unjust.

The Governor-General next proceeds to say, that the sort of government which was performed by the Nabob, was exceedingly bad. Neither was the defence of the city from external enemies in a tolerable state; nor was its internal government compatible with the happiness of the people, under the prevailing "frauds, exactions, and mismanagement in the collection of the revenue, the avowed corruption in the administration of justice, and the entire inefficiency in the police. "It is obvious," he continues,

[1] To say that the English were at liberty to dethrone any sovereign they pleased is not putting the case fairly. The Nabob of Surat was no sovereign, but an usurping officer of the Mogul empire. Suppose that by any political vicissitude, the king of Delhi had been restored to the power of Akbar or Aurungzeb, would he not have been entitled to displace, and even punish, the Nabob of Surat, unless that officer had returned to his subordinate position? The English had appropriated, in this part of India, the possessions and authority of the Mogul, and had, therefore, the same rights over Surat. It was in this case, as in many others, not their ambition, but their moderation, that involved them in embarrassment and inconsistency.—W.

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"that these important objects," namely, the security and good government of Surat, "can only be attained by the Company taking the entire civil and military government of the city into their own hands: and consequently," he adds, "it is their duty, as well as their right, to have recourse to that measure."

Here again we see the doctrine most clearly avowed, and most confidently laid down as a basis of action, that bad government under any sovereign constitutes a right, and even a duty, to dethrone him;[1] either in favour of the East India Company alone, if they ought to have the monopoly of dethronement; or in favour of mankind at large, if the privilege ought to be as diffusive as the reason on which it is founded.

It being deemed, by the Governor of Bombay, that his own presence would be useful for effecting the revolution at Surat, he left the Presidency in the end of April, and arrived on the 2nd of May. After endeavouring to secure the co-operation of the persons, whose influence was most considerable on the mind of the Nawab, he opened the business to that ruler himself, on the 9th, and allowed him till the 12th to deliberate upon his answer. At the interview, on that day, the Nawab declared; that he could not survive acquiescence in the demand; not only from a sense of personal degradation; but from the odium he must incur among all Mussulmans, if he consented to place the door of Mecca in the hands of a people who had another faith. The steps necessary for accomplishing the revolution without regard to his consent, were now pursued; and preparations were made for removing his troops from the guard of the city, and taking possession of it, by the Company's soldiers, the following morning. In the mean time, the reflections of the Nawab, and the remonstrances of his friends, convinced him that, opposition being fruitless, submission was the prudent choice; he therefore communicated to the Governor his willingness to comply, and the treaty was mutually signed on the following day. It had been transmitted by the Governor-General, ready drawn; and was executed without altera-

[1] It should rather be stated, the mal-administration of a subordinate functionary constitutes a right and duty to dismiss him; this is not quite the same thing as the right to depose independent sovereigns.—W.

tion. The Nabob resigned the government, civil and military, with all its emoluments, power, and privileges to the East India Company. And on their part, the Company agreed to pay to the Nabob and his heirs one lac of rupees annually, together with a fifth part of what should remain, as surplus of the revenues, after deduction of this allowance, of the Mahratta chout, and of the charges of collection.

When the powers of government were thus vested in English hands, establishments were formed for the administration of justice, for the superintendence of police, for the collection of the revenue, and for the provision of the Company's investment. For this purpose, the Governor-General had given two leading directions; the first was, that each of these departments should be committed to distinct persons; and the second, that the powers vested in the several officers should correspond as nearly as possible with those of the corresponding officers in Bengal. They have, therefore, no need of description.

Though stripped of all the powers of government, and a mere pensioner of state, it was still accounted proper for Meer Nasseer ud Deen to act the farce of royalty. His succession to the musnud of his ancestors was now acknowledged by the English government, and he was placed on it with the same pomp and ceremony, as if he had been receiving all the powers of sovereignty, on the day after he had for ever resigned them.

The great difficulty was, to obtain deliverance from the misery of the Mahratta chout. The Gaekwar prince expressed the greatest readiness to compliment the Company, to whom he looked for protection, with the share which belonged to him. With the Peshwa, the business was not so easily arranged.[1]

In the despatch of the Court of Directors, dated "Political Department, 18th October, 1797," and addressed "to our President in Council at Fort St. George," they say, "We have requested Lord Mornington to make a short stay at Madras, previous to his proceeding to take upon

[1] See a folio volume of 535 pages, of papers relating to this transaction solely, printed by order of the House of Commons, dated 14th July, 1806, and furnished with a copious table of contents, by which every paper, to which the text bears reference, will be easily found.—M.
See also Despatches, ii. 222, 259, 708.—W.

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himself the Government-General of Bengal, for the purpose of endeavouring to prevail on the Nabob of Arcot to agree to a modification of the treaty with his highness in 1792." Lord Hobart had just been recalled, because he differed with the Government-General of that day, in regard to some of the expedients which he adopted for the attainment of this modification.[1] The Directors, notwithstanding, go on to say, "It were to be wished that the zealous endeavours of Lord Hobart, for that purpose, had proved successful; and as, in our opinion, nothing short of the modification proposed is likely to answer any beneficial purpose, Lord Mornington will render a most essential service to the Company, should he be able to accomplish that object, or an arrangement similar thereto. But feeling, as we do, the necessity of maintaining our credit with the country powers, by an exact observance of treaties—a principle so honourably established under Lord Cornwallis's administration—we cannot authorize his Lordship to exert other powers than those of persuasion to induce the Nabob to form a new arrangement."[2] It is sufficiently remarkable to hear ministers and directors conjunctly declaring, that "the principle of an exact observance of treaties" still remained to "be honourably established," at the time of Lord Cornwallis's administration. It was the desire of credit with the country powers, that now constituted the motive to its observance. But if the Company when weak could disregard such credit with the country powers, they had much less reason now to dread any inconvenience from the want of it. Besides, the question is, whether the country powers ever gave them, or gave any body, credit for a faith, of which they can so little form a conception, as that of regarding a treaty any longer than it is agreeable to his interest to do so.

In a letter in council dated Fort William, 4th July, 1798, the home authorities are told, that "immediately on his arrival at Fort St. George, the Governor-General lost no time in taking the necessary steps for opening a negotiation with the Nabob of Arcot, with a view to the

[1] Vide supra, p. 49.
[2] Papers relating to the affairs of the Carnatic, ordered by the House of Commons to be printed, in August, 1803, 1. 243.

accomplishment of your wishes, with regard to the modification of the treaty of 1792—The Governor-General, however, found his Highness so completely indisposed to that arrangement, as to preclude all hopes of obtaining his consent to it at present." The letter then promises, at a future day, a detailed account of the communications which had passed between the Governor-General and Nabob: but this was never sent.[1]

In 1799 the Governor-General, when he was again at Madras, and war with Mysore was begun, thought another favourable opportunity had arrived of urging the Nabob afresh on the subject of changes so ardently desired. The treaty of 1792 gave a right to assume the temporary government of the country on the occurrence of war in the Camatic. To this measure the Nawab and his father had always manifested the most intense aversion. It was hoped that the view of this extremity, and of the burden of debt to the Company, with which he was loaded and galled, would operate forcibly upon his mind. The Governor-General accordingly proposed that he should cede to the Company, in undivided sovereignty, those territories which were already mortgaged for the payment of his subsidy, in which case he would be exempted from the operation of the clause which subjected him to the assumption of his country; while it was further proposed to make over to him, in liquidation of his debt to the Company, certain sums, in dispute between them, to the amount of 2,30,040 pagodas.

These conditions were proposed to the Nabob by letter, dated the 24th of April. The Nabob answered by the same medium, dated the 13th of May. The season for alarming him, by the assumption of his country, was elapsed, Seringapatam being taken, and the war at an end. The Nabob, therefore, stood upon the strength of his treaty, which he represented as so wise, and so admirable, that no change could be made in it without the sacrifice of some mutual advantage; that even if the assumption of his country were necessary, which, thanks to the Divine mercy, was at present far from the case; nay, "were the personal inconvenience ten times greater," the sacrifice would be cheerfully made, "rather than consent to the

[1] Papers, ut supra, p. 204.

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alteration of the treaty, even in a letter." Besides, there were other engagements, by which the Nabob must ever hold himself inviolably bound. These were, respect for "the loved and revered personages" by whom the treaty was framed, and the dying commands of his honoured father, to which he had pledged a sacred regard. He also plied the Governor-General with an argument, which to his mind might be regarded as peculiarly persuasive—an argument drawn purely from parliamentary stores—experience against theory: "I cannot," said he, "overlook a circumstance, which, in affairs of this sort, must naturally present itself to the mind of your Lordship; that the treaty, which is now suggested to be defective, has had a trial, my Lord, of more than seven years; and, without a single exception, has been found, for that period, not only sufficient for all common purposes, but has secured the fulfilment of every condition stipulated in it, with a harmony uninterrupted; and perhaps, I might add, almost unprecedented in any country or age."[1]

The Court of Directors, in their political letter to Fort St. George, dated the 5th of June, 1799, say, "We have been advised, by the Earl of Mornington, that the Nabob continues to oppose a determined resolution to the modification of the treaty of 1792, which has been repeatedly proposed to him. At the same time, we observe, that his Highness has distinctly acknowledged, that he is in the practice of raising money annually by assignments of the revenues of those districts, which form the security for the payment of the Company's subsidy." They add, "As this practice is unquestionably contrary to the letter, and subversive of the spirit of that treaty, we direct, that, immediately upon the receipt hereof, you adopt the necessary measures for taking possession, in the name of the Company, of the whole, or any part, of the said districts, the revenues of which shall appear to be so assigned; and that you continue to hold the same, and collect the rents thereof, in order that the Company may not in future be deprived of the only security which they possess under the before-mentioned treaty, to answer any failure in the Nabob in discharging his subsidy. You will immediately communicate to the Nabob the determination we have come

[1] Papers, ut supra, p. 213—216.

to, and the orders you have received relative to this point."[1]

The affirmation, relative to the assignments on the districts in pledge, is contrasted with the following affirmation of the Nabob, in his letter of the 13th of May, just quoted, in which he answers the proposal and reasonings which the letter of the Governor-General had pressed upon his mind: "I do most unequivocally assure your Lordship, on the word and faith of a sovereign, that no one foot of the districts set apart by the treaty of 1792 have been, or are in any manner or way, directly or indirectly, assigned by me, or with my knowledge, to any individual whatsoever; and, having made this solemn and unreserved declaration, I would hope, that I need not urge more."[2]

With respect to the command of the home authorities, to take possession of the districts, and all the rest of their expedients, the Governor of Fort St. George, on the 11th of April, 1800, writes, "Your letter to the Governor-General, dated the 16th June 1799, is still under his Lordship's consideration. But it is material for me to repeat—and with impressive earnestness, that no security, sufficiently extensive and efficient, for the British interest in the Carnatic, can be derived from the treaty of 1792; and that no divided power, however modified, can possibly avert the utter ruin of that devoted country."[3]

On the 13th of June, 1799, the home authorities wrote to the Governor-General, "In the event of a war with Tippoo Sultaun, the respective countries of the Nabob of Arcot, and the Raja of Tanjore, will of course come under the Company's management: and we direct, that they be not relinquished, without special orders from us, for that purpose; in order to afford sufficient time for the formation of arrangements for relieving those respective princes from all incumbrances upon their revenues." Upon this subject, the Governor-General writes, on the 25th of January, 1800, "The short duration of the war rendered it inexpedient for me to assume the management of the respective countries, of the Nabob of the Carnatic, and of the Raja of Tanjore, on behalf of the Company. The immediate effect of such an assumption would have been, a considerable failure of actual resource, at a period of the

[1] Papers, ut supra, p. 216. [2] Ibid. p. 214. [3] Ibid. p. 216.

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utmost exigency. I shall hereafter communicate my sentiments at large, with respect to the state of Tanjore, and the Carnatic. The latter now occupies my particular attention; and I fear that the perverse councils of the Nabob of Arcot will prove a serious obstacle to any effectual improvement of your affairs in that quarter.[1]

Tuljajee, the Raja of Tanjore, died in 1786, and was succeeded by Ameer Sing, his son. The conduct of this prince gave so little satisfaction to the English, that, after the peace of Seringapatam, which Lord Cornwallis concluded with Tippoo in 1792, they deliberated concerning the propriety of trusting him any longer with the civil administration of the country. But the supreme government "were of opinion, that, under all the circumstances in which the question was involved, it would be more suitable to the national character, to hazard an error on the side of lenity, than to expose themselves to the imputation of having treated him with excessive rigour." Accordingly, a treaty was concluded with him, dated the 12th of July, 1793, and his country, which, like the Carnatic, had been taken under English management during the war, was restored to him, in as full possession as before.

In the year 1798, a convenient discovery was made; that Ameer Sing was not the legal heir to the musnud of Tanjore; but Serfojee, the adopted son of Tuljajee. The question of the rights of these two princes remains in obscurity. The documents have not yet been made accessible to the public; and we know not upon what grounds the decision was formed.[2] This only we know, that it was

[1] Papers, ut supra, p. 217.

[2] The circumstances of this case were so remarkable, that it is rather extraordinary the author should not have heard of them, and failed to trace a more particular account. The discovery was not made in 1798. The points in dispute were well known at Amar Sing's accession, but a judgment was then pronounced, which subsequent investigations, resumed in 1794 and terminated only in 1797, led both Lord Cornwallis and Sir John Shore to consider as erroneous, and at the latter date it was pronounced to be so by the Court of Directors. Amar Sing was the half-brother of Tuljajee; the latter, when dying in 1787, adopted Serfojee as his son, placing him under the private guardianship of the celebrated missionary Swartz, and the public tuteinge of his brother. Upon the Raja's death, the validity of the adoption was disputed on three grounds, the imbecile state of the Raja's mind, the age of the boy, ten years, which it was affirmed exceeded that legally qualifying him for adoption, and his being an only son, which was also held a legal disqualification. Upon the two latter grounds the Madras Government, with the approbation of that of Bengal, cancelled the adoption, and placed Amar Sing upon the Musnud.

The cruel treatment of Serfojee by the Raja was repeatedly brought to the

determined to dethrone Ameer Sing, and to set up Serfojee in his stead. Serfojee was obviously in a situation to submit implicitly to any terms which the English might think proper to prescribe. After some months, therefore, of preparation, a treaty was concluded with him, dated the 25th of October, 1799, by which he resigned for ever all the powers of government to the English, and received a pension of one lac of star pagodas, with a fifth of the net revenues.[1]

On the 7th of April, 1800, the Governor-General forwarded to the Governor of Fort St. George, certain letters and papers, found by the English in the palace of Seringapatam. These documents related to a correspondence of the two Nabobs of Arcot, the father and the son, with the Sultan of Mysore. The Governor-General directed Lord Clive to proceed, without loss of time, in conducting an inquiry into the circumstances of which the papers appeared to afford indication, and in particular transmitted a list of witnesses whose evidence was to be carefully and zealously collected. In the mean time, he himself had completely prejudged the question; and did what depended upon him to make Lord Clive prejudge it in a similar manner. "A deliberate consideration," says he, in the very letter which directed inquiry, "of the evidence resulting from the whole of these documents has not only

notice of the British authorities by the vigilance of his reverend guardian; and upon his representations, and those of the Resident, the Madras Government insisted upon the removal of Serfojee and the surviving widows of Tuljajee, who were also objects of the Raja's oppression to Madras. This took place in 1793, and was followed immediately by an appeal to the Government against its former decision adverse to Serfojee's pretensions. The question was fully entered into by Sir John Shore, and as opinions were received from various Pundits of learning and character, which interpreted the law in favour of the adoption, the British authorities had no other alternative than to correct an error of their own commission, and restore Serfojee to that throne, of which they had, in the mistaken belief that they were acting according to the law, deprived him. It was not for their own convenience, therefore, that they deposed Amar Sing and set up Serfojee in his stead, although it was true that the change was for the better, as the administration of Amar Sing had been most injurious to the resources of Tanjore. The particulars of these transactions are interestingly and authentically related from the correspondence of Swartz and the records of the India House, by the venerable missionary's biographer, Dr. Pearson. Life of Swartz, ii. 132, 263, and 314. Raja Serbojee, as he is more accurately named by Bishop Heber, was visited by that prelate in 1826, and is described by him as combining many of the best traits of the native character with European tastes and habits. Letter to R. V. Horton, Esq., Heber's Journal, ii. 459. See also Desp. i. 41, and v 47.—W.

[1] See certain documents in the Second Report of the Select Committee, 1810, p. 234—242.

confirmed, in the most unquestionable manner, my suspicions of the existence of a secret correspondence between the personages already named, but satisfied my judgment, that its object, on the part of the Nabobs Wallajah and Omdut ul Omrah, and especially of the latter, was of the most hostile tendency to the British interests.—The proofs arising from the papers would certainly be sufficient to justify the British government in depriving that faithless and ungrateful prince, of all means of rendering any part of the resources of the territories, which he holds under the protection of the Company, subservient to the further violation of his engagements, and to the prosecution of his desperate purposes of treachery and ingratitude."[1]

However, the Governor-General thought, it would, notwithstanding, be more consonant with "the dignity, and systematic moderation of the British government," not to take the country from its prince, till some inquiry had first been made. But he says, "Although it is my wish to delay the actual assumption of his Highness's government until that inquiry shall be completed, I deem it necessary to authorize your Lordship to proceed immediately to make every arrangement preparatory to that measure, which now appears to have become inevitable."[2]

Nothing, surely, ever was more fortunate, than such a discovery at such a time. This the Governor-General has the frankness to declare. "While those orders, lately conveyed by the Honourable Court of Directors relative to the Company's connexion with the Nabob, were under my consideration, a combination of fortunate circumstances revealed his correspondence."[3] When the Governor-General, and all his superiors, and all his subordinates, in the government of India, were languishing and panting for the possession of the Carnatic, but afraid, without some more plausible reason than they yet possessed, to commence the seizure, here it was provided for them in extraordinary perfection. But the very circumstance which recommended it to the eager affections of the East India functionaries, will recommend it to the rigid scrutiny of those whose minds are more happily situated for appreciating the facts.

[1] Papers, ut supra, p. 2. Also Despatches, ii. 254, and App. 740.
[2] Ibid. p. 3.
[3] Ibid. p. 4.

The documents on which so extraordinary a value was set by the Governor-General, consisted almost entirely of certain things picked out from a mass of correspondence which purported to have passed between the "Presence" (the title which Tippoo bestowed upon himself), and the two vakeels, Golam Ali Khan, and Ali Reza Khan who accompanied, in 1792, the hostage sons of the Sultaun to Madras. Besides these, only two letters were produced; one from a subsequent vakeel of Tippoo at Madras; another, supposed to be from Omdut ul Omrah, but under a fictitious name.

It is proper to ascertain the value of one circumstance, on which those who are not partial to the British character will not fail to animadvert. As the British government was situated with respect to the papers of Tippoo, it was, it may be affirmed, the easiest thing in the world to procure evidence for any purpose which it pleased: and I wish we could say that civilization and philosophy have made so great a progress in Europe, that European rulers would not fabricate a mass of evidence, even where a kingdom is the prize. The time is so very recent, when such expedients formed a main engine of government, and the progress in political morality appears to be so very slow, that it would be utterly unsafe to proceed upon the supposition that forgery is exploded as an instrument of government. Yet in the case of the British government, so much the greater number of those employed in carrying it on would probably refuse to share in the fabrication of a mass of evidence, that the small number of individuals who might have no insuperable objection to it would find it, in few cases, easy; in most, impossible, to accomplish their purpose. With regard to Lord Wellesley, even his faults bear so little affinity with this species of vice, and his most conspicuous virtues are so directly opposed to it, that we may safely infer it to be as unlikely in his case, as in any which can well be supposed, that he would fabricate evidence to attain the objects of his desire; notwithstanding the violence with which he was apt to desire, and the faculty which he possessed of persuading himself, that everything was righteous by which his desires were going to be fulfilled.

But an argument, more conclusive than any argument

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from character, either national or individual, can almost ever be, at any rate to strangers, and those whose partiality one has no reason to expect, is this; that the papers prove nothing; which most assuredly would not have been the case, had they been fabricated for the purpose of proving. On the other hand, if they had exhibited a proof which was very strong and specific, it would have been no easy task, after the very exceptionable manner in which they were examined, to have proved that all suspicion of them was utterly groundless.

Among the objects recommended to the vakeels who accompanied the sons of Tippoo to Madras, one, very naturally, was, to communicate to him useful intelligence of every description. They had even a particular commission with regard to secret intelligence, in which a delineation of the defensive works of Fort St. George was particularly included; and they were furnished with a cipher for carrying it on.

With other articles of intelligence, which the vakeels availed themselves of their situation to transmit to their royal master, an account was given of the deportment of the Nabob of Arcot, towards the princes, and towards themselves; and of the conversations which took place between them. The letters relating to this subject were those which were regarded as affording evidence against Wallajah, the deceased, and Omdut ul Omrah, the reigning Nabob.

It is to be remarked, that Lord Cornwallis, after he had reduced Tippoo to a situation, in which he regarded him as too weak to be any longer formidable, adopted the liberal design of conciliating his mind, and gaining it, if possible, by a respectful, generous, and even flattering style of intercourse, to a state of good-will towards the English nation. The same course he recommended to the Nabob Wallajah, who had suffered so deeply by the raising of Tippoo's house, and towards which he had often manifested so great a degree of contempt and aversion.[1]

There were various circumstances which just at that

[1] This recommendation m y have been given, but the only evidence for it, which is here received without question, appears to be that of one of the Nawab's officers, under suspicious circumstances, on attempting to vindicate his master from the charge of treacherous correspondence with the Vakeels. See subsequent page.—W..

time induced the Nabob to follow these injunctions of the Governor-General with great alacrity. The fame and authority of Tippoo were now sufficiently high to render his friendship an object of importance. The Nabob of Arcot, on the other hand, felt himself in a state of degradation, and reduced to a cipher among the princes of India. It soothed his vanity to hold some intercourse with as many of them as possible; and not least with one who now occupied so large a space in the eye of the world as the Sultaun of Mysore. It increased his dignity and consequence, when he induced other princes to use towards him the language of friendship, and to treat him as a prince upon a level with themselves. This rendered it more difficult for the English to accomplish their design of divesting him, as he dreaded, of all his sovereign powers, and reducing him and his family to the condition of mere pensioners of state. He seems, accordingly, to have been very eager, to add the forms of a confidential intercourse with Tippoo to the other circumstances which held him forth to the world as a sovereign prince, and which he regarded with justice as the only barrier between him and dethronement.

Attentions to the princes while at Madras, with assurances of his favourable sentiments towards the Sultan, and of his ardent desire of a suitable return, were the expedients of which he made use. Oriental expressions of compliment are all extravagant, and hyperbolical; and we cannot, on such an occasion, suppose, that the Nabob would use the most feeble and cold. Another circumstance of great importance to be remembered was, that the letters contained not the expressions of the Nabob, but only the expressions of the vakeels reporting them; and that Indian agents, reporting to their principals, seldom pay any regard to realities, but, as far as they can go with advantage to themselves, heighten whatsoever they think will be agreeable to their master, extenuate whatsoever they think he will dislike. Now, when all the expressions which the vakeels of Tippoo report to have been used by the Nabob and his son are tortured to the utmost, nothing can be extracted from them but declarations of friendly sentiments, in an hyperbolical style. Even the Persian translator of the English government, who drew

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up a report upon the documents, highly praised by the Governor-General, and in which every effort is made to draw from them evidence of guilt, has the candour to say, "The accuracy of reports from agents, natives of India, to their principals, cannot, under circumstances, be implicitly relied on; and in one of the reports of the vakeels which contains the substance of a conference between themselves, the princes, and the Nabob, at which Colonel Doveton was present, a speech is ascribed to that gentleman which is evidently fabricated; a circumstance which tends to weaken the validity of all their reports;—and if the evidence of the Nabob's conduct rested solely upon them, the proofs might be considered as extremely defective and problematical."[1]

Thus far, then, the ground is clear. But, beside the reports of the vakeels, what further proof is alleged? There are the letters of Tippoo, and the key to the cipher. The letters of Tippoo contain no more than a return to the civil expressions of the Nabob; vague declarations of good-will, couched in a similar style The key to the cipher shows that Wallajah was designated by the term *Well-wisher of Mankind*, the English by that of *New-Comers*, the Nizam by that of *Nothingness*, the Mahrattas that of *Despicable;* and so on. And this is the whole matter of evidence which the papers contained.

To establish still further the dark designs which the Governor-General firmly concluded that a few hyperbolical expressions had already proved, a list of nine witnesses was transmitted to Madras, of whom the two vakeels, Golam Ali Khan, and Ali Reza Khan, were the chief. A commission consisting of two of the most approved servants of the Company, Mr. Webbe, the secretary to the Madras government, and Colonel Close, were selected to conduct the investigation. Every precaution was taken, such as that of preventing communication between the witnesses, to get from them either the evidence pure, or the means of detecting its impurity.

It was resolved to begin with the two vakeels, who of course could best elucidate their own correspondence. To form a proper judgment of their testimony, several circumstances ought to be remarked. In the first place, they

[1] Papers, ut supra, p. 14.

were Orientals; that is, men, accustomed, in the use of language toward those on whom their hopes and their fears depended, to regard very little the connexion between their words and the corresponding matters of fact, but chiefly the connexion between those words, and the impression, favourable or unfavourable, which they were likely to make on the minds of the great persons, on whose power the interests of the speaker most remarkably depended. In the second place, it is impossible to conceive any dependance more abject, than was, at this time, the dependence of the khans, Golam Ali, and Ali Reza, upon the English government. The government, under which they had found employment, was totally destroyed. Every source of independent subsistence was cut off; they lived upon a pension which they received from the English government, and which it was only necessary to withhold, to plunge them into the deepest abyss of human misery. They had every motive which interest could yield, to affirm what would be agreeable to the English government. They could have no interested motive to speak what would be agreeable to Tippoo, Wallajah, or Omdut ul Omrah. In these circumstances, if they had given a testimony in every respect conformable to the wishes of the English government, what depended upon their affirmation would have been regarded as of little or no value by any impartial judge. But in as far as they gave a testimony in opposition to those wishes, that is, in opposition as they must have believed, to their own interests, their testimony has some of the strongest possible claims upon our belief.

Every thing was done to remove any obstructions which might exist in the minds of the witnesses to the production of such evidence as was expected. They were given to understand that no blame would be attached to them, who only acted under legitimate orders, for their instrumentality in the designs of their master. And they were assured in the strongest language, that any appearance of a design to conceal the truth, and they well knew what eastern rulers were accustomed to call the truth, would be visited upon them with all the weight of English indignation.

Of the two vakeels, Ali Reza was residing at Velore,

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Golam Ali at Seringapatam. As least remote, Ali Reza was examined first. In him, the examining commissioners say, in their report to the Governor, "we think it necessary to apprize your Lordship that we discovered an earnest disposition to develop the truth. Golam Ali they accused of base endeavours at concealment. The evidence of both, taken together, tends not to confirm one single suspicion, if any could have been justly derived from the papers, but to remove them, every one.

They both distinctly and constantly affirmed, that the expressions of good will towards Tippoo, made use of in their hearing by Wallajah or his son, were never understood by them in any other sense than that of vague compliments. Ali Reza gave testimony to another point, with regard to which the Persian translator, commenting on his evidence, thus declares: "In the report of the Persian translator," namely, the report on the documents, "it has been observed, that the expressions of attachment and devotion, ascribed by the vakeels to the Nabob Wallajah, and Omdut ul Omrah, are probably much exaggerated; and that little dependence ought to be placed upon the existence of facts, inferred merely from such expressions; this conjecture is confirmed by Ali Reza Khan, who acknowledges they were much exaggerated, and that it was customary with the vakeels to heighten the expressions of regard, which fell from Lord Cornwallis, or the Nabob Wallajah, for the purpose of gratifying the Sultan; and observed very justly that the people of this country constantly exaggerate their expressions of regard to an extravagant degree." [1]

The vakeels reported several expressions of the Nabob, complimenting the Sultan as a pillar of the faith, and admiring the union of Mussulmans; certain articles of intelligence which he was described as conveying; and expedients of secrecy which he was described as having employed. All this, however, is only the report of the vakeels, which is acknowledged to be incapable of proving any thing, and which, as it forged a speech for Colonel Doveton, would just as probably forge for the Nabob and his son. But the circumstances, even if the statement of them is supposed to be just, afford no ground for an

[1] Papers, ut supra, p. 47.

inference of guilt. To call Tippoo a pillar of the Moslem faith, one of the most flattering of all compliments to his bigoted mind, was not criminal; nor to speak with approbation of the union of Moslems, which might be an exhortation to the Sultaun to favour the Nabob, that is, the English, who always represented their interests as the same with his.

The articles of intelligence which he is said to have conveyed are exceedingly trifling; and have at any rate the appearance of having been conveyed for a good, not for an evil purpose; for the preservation of that harmony between Tippoo and the English, which at that time the English had very earnestly at heart. Having learned, that suspicions were caused, by some intercourse which appeared to take place between the Mysore and Mahratta Durbars, the Nabob sent him his advice, that it would be better he should desist, and suspend his negotiations, at least during the administration of Marquis Cornwallis. Again, having learned the existence of a French war, and that Pondicherry was about to be attacked, the Nabob sent his advice to the Sultaun to withdraw his vakeel from Pondicherry, and to intermit all correspondence with the French. This is the whole of the intelligence, the conveyance of which was construed into direct acts of hostility.

A few expressions of want of regard for the English, mixed in the reports of the vakeels, hardly deserve attention; both because nothing was more likely to be inserted by the vakeels, they knowing nothing much more likely to be agreeable to their master; and because, if the attachment of the Nabob to the English had been ever so entire, it was perfectly in character with oriental sincerity, to affect to despise and abhor them, in order to conciliate a mind by which it was known they were disliked.

As to the appearance of a concern about secrecy, it is well known to be a feature of the human mind in the state of civilization under which the Sultaun and Nabob were educated, and in India to a singular degree, to make a great affectation of secrecy on very trifling occasions; and, for the show of importance, to cover every thing as much as possible with a veil of mystery. Under the designation of "*the affair you know*," something was mentioned in the

letters of Tippoo and the vakeels; and under this mysterious appellation the deepest villany was supposed to be couched. On this, after examining their witnesses, the commissioners report, "We have the honour to inform your Lordship, that the expression of '*the affair known of*,' so frequently repeated in the correspondence, appears to refer to the subject of a proposed connexion by marriage between the families of Tippoo Sultaun and the Nabob Wallajah."[1]

On two occasions, while the vakeels remained at Madras, the Nabob made appointments for meeting with them secretly. But both of them persisted in steadily affirming, as witnesses, that nothing passed beyond general professions of regard. The affectation of a wish to conceal from the English the warmth of the attachment he professed, might well be one of the artifices made use of by the Nabob for extracting those appearances of regard from the Sultaun, which it was at this moment his interest to obtain. In exact conformity with this idea, he made offer, upon the departure of the vakeels from Madras, to establish a cipher for the purpose of secret communication. But so little value did the Sultaun attach to any expected communication from the Nabob, that he treated this proposal with total neglect; than which a stronger proof can hardly be expected of the innocence of all the communications which from that quarter he had ever received.

The commissioners say, "We examined Gholam Ali Meer Suddor, the Dewan Purniah, and the Moonshee Hubbeeb Olla," that is, the men above all others acquainted with the secrets of Tippoo's government; "but as their testimony did not establish any fact, we thought it unnecessary to record their evidence."[2]

Not only does this evidence afford no proof of a criminal correspondence with Tippoo, on the part of the Nabob; but the total inability of the English to produce further evidence, with all the records of the Mysore government in

[1] Papers, ut supra, p. 36.

[2] Ibid. p. 39.—The papers from Seringapatam, and the examination of the witnesses, are in a collection of House of Commons "Papers concerning the late Nabob of the Carnatic, ordered to be printed 21st of June, 1802;" the rest of the documents are in the volume of papers quoted immediately above.

their hands, and all the living agents of it within their absolute power, is a proof of the contrary; since it is not credible that a criminal correspondence should have existed, and not have left more traces of itself.

It is just to bewail the unhappy situation, in which the minds of Englishmen in India are placed. Acted upon by circumstances which strongly excite them, their understandings are dragged, like those of other men, towards a conformity with their desires; and they are not guarded against the grossest illusions of self-deceit by those salutary influences which operate upon the human mind in a more favourable situation. The people of India among whom they live, and upon whom the miserable effects of their delusion descend, are not in a situation to expose the sophistry by which their rulers impose upon themselves. They neither dare to do it, nor does their education fit them for doing it, nor do they enjoy a press, the instrument with which it can be done. Their rulers, therefore, have no motive to set a guard upon themselves; and to examine rigidly the arguments by which they justify to themselves an obedience to their own inclinations. The human mind, when thus set free from restraint, is easily satisfied with reasons for self-gratification; and the understanding waits, an humble servant, upon the affections. Not only are the English rulers in India deprived of the salutary dread of the scrutinizing minds, and free pens, of an enlightened public, in the regions in which they act; they well know, that distance and other circumstances so completely veil the truth from English eyes, that, if the case will but bear a varnish, and if they take care to stand well with the minister, they have in England every thing to hope, and seldom any thing to dread, from the successful gratification of the passion of acquiring.

It is most remarkable, that of all the Englishmen in India, of whose sentiments upon the occasion we have any record, the Governor-General and his council, the Governor of Fort St. George and his council, the examining commissioners, and the Persian translator, the very foremost men in India, not one appears to have doubted, that the evidence we have examined estab-

BOOK VI. CHAP. X. lished undeniably the facts which they so eagerly desired to infer.[1]

1800. The examination of the witnesses was closed, and the report of the commissioners drawn up, and signed at Seringapatam, on the 18th of May, 1800.[2] It was not till the 28th of May, 1801, that any further instructions of the Governor-General were despatched. In the memorable document of that date, addressed to Lord Clive, he states one reason of delay, as follows: "The critical situation of the negotiation depending with the Nizam, appeared to me to render it advisable to postpone the adoption of measures required for the security of the Carnatic. The successful issue of that negotiation appeared likely to facilitate the arrangements which became indispensably necessary in the Carnatic; while a premature prosecution of these arrangements might have impeded, and perhaps frustrated, the successful issue of the negotiation at Hyderabad." Another reason was, that for some time he indulged the hope of being able to employ the weight of his own presence, in removing the obstacles which he expected to oppose the intended revolution in the Carnatic. When that hope was relinquished, he desired that Mr. Webbe, the chief secretary to the government at Madras, might join him in Bengal, to communicate a more minute knowledge of circumstances than he could otherwise acquire.

[1] A disposition to disbelieve is quite as likely to misjudge the weight of evidence as a disposition to believe. Scepticism is as unpropitious as credulity to the appreciation of truth. It may be admitted, that upon the face of the correspondence little appeared to convict the Nawabs of the Carnatic of actual treachery against the British Government, yet there can be little difficulty in crediting that they entertained hostile sentiments towards it, or that they expressed those sentiments to Tippoo's vakeels. It is possible that the vakeels exaggerated the expressions of the Nawabs to gratify their master, but it cannot be reasonably doubted by any who know the passion of native princes for intrigue, and the intense detestation borne by all Indian Mohammedans towards their Christian masters, that much that was conveyed to Tippoo by his agents, was said and intended by Walajah and his son. The inferiority of Tippoo's origin was a much greater bar to any cordial intercourse between the Nawabs and the Sultan; but that would probably have given way before community of religious intolerance, if the former could have anticipated any prospect of benefit to themselves from the latter's success. Although, then, the correspondence with Tippoo may not substantiate any conspiracy against the English power, it is impossible to question the inference that is reasonably drawn from it, an inference which scarcely required such testimony:—That no reliance could be placed upon the fidelity or attachment of the Nabobs of Arcot. Their political position and their religious creed rendered them irreconcileable foes, and with this conviction it would have been folly to have intrusted them longer with any degree of political power.—W.

[2] Despatches, ii. 515.—W.

"The delay," says the Governor-General, "which has occurred, has enabled me to receive the sentiments of the President of the Board of Commissioners for the affairs of India, and of the Secret Committee of the Court of Directors, on the subject of the correspondence of the late and present Nabob of Arcot with Tippoo Sultaun. Those sentiments entirely accord with your Lordship's, and with mine, on the same subject."

He proceeded to declare, that from the evidence which we have examined, he confidently inferred the existence of a criminal correspondence between the Nabob and Tippoo; and that the measure which, in consequence, he resolved to adopt, was the dethronement of the Nabob, and the transfer of his sovereignty to the Company.

An attempt, however, was still to be made, to obtain an appearance of the Nabob's consent to his own degradation. "I consider it," says the Governor-General, "to be extremely desirable, that the Nabob should be induced to accede to the proposed arrangement, in the form of a treaty. In order to obtain his Highness's acquiescence in this mode of adjustment, it will be proper for your Lordship, after having fully apprized the Nabob of the nature of the proofs which we possess of his correspondence with Tippoo Sultaun, to offer the inducement of the largest provision to be made for his Highness's personal expenses, and in that event I authorize your Lordship to insert in the treaty the sum of three lacs of pagodas."

The Governor-General had no very sanguine hopes, that the Nabob would smooth all difficulties by resigning the dignity to which he clung. He gave directions, therefore, on the contrary supposition, and said, "If the Nabob, Omdut ul Omrah, by refusing to acquiesce in the proposed arrangements, should compel the British government, contrary to its wishes and intentions, to exercise its rights and its power to their full extent, I authorize and direct your Lordship to assume the civil and military government of the Carnatic."

The Governor-General anticipated even another contingency. "It is possible," says he, "that in the actual state of his Highness's councils and temper, the Nabob may be disposed to appeal to the authority of the Honourable the Court of Directors." Well, and what was his

Excellency's determination in that event? "Being already," said he, "in possession of the sentiments of the Secret Committee, founded on the discovery of the Nabob's faithless conduct, I shall consider it to be injudicious and unnecessary to admit the appeal: and by that admission to enter upon a formal trial of his Highness's criminal conduct."[1]

Now, finally, the case stood, therefore, as follows. In a dispute, in which the Company, or their representatives, the rulers in India, on the one hand, and the Nabob on the other, were parties, and in which a great kingdom was at issue, the first of the parties not only resolves upon deciding in its own cause, which in the case of disputes about kingdoms can seldom be avoided, but, upon a mass of evidence of its own providing, evidence altogether *ex parte*, evidence which it examined by itself and for itself and upon which it put any construction which it pleased, did, without admitting the opposite party to a hearing, without admitting it to offer a single article of counter-evidence, to sift the evidence brought to condemn it, or so much as to make an observation upon that evidence, proceed to form a decision in its own favour, and to strip the opposite party of a kingdom. It is perfectly obvious, that, upon principles of judicature such as these, a decision in favour of the strongest will seldom be wanting.

Had the actions of the Nabob corresponded with the inference which the English rulers so eagerly drew, their conduct would still have implied a most extraordinary assumption. The principle of their conduct was, that, if an Indian prince did any injury, or but showed that he meditated injury, to the English, that moment the English were entitled to dethrone him, and take his kingdom to themselves. If the Nabob had actually contracted an alliance offensive and defensive with Tippoo, he was not a subject of the British government; he was a sovereign prince; and the utmost such an action implied was a violation of the treaty which subsisted between the English and him. But all that is necessarily done by the violation on one side of a treaty between sovereign states, is only to relieve the party on the other side from all the obligations which it imposed; to leave the two parties, in short, in

[1] For the above extracts, see papers, vol. i. ut supra, p. 42—47.

the same situation, in which they would have been, if the treaty had not existed. It may happen, that, in such a case, it would be improper, in the obeying, so much as to make war upon the infringing party. That would entirely depend upon other questions, namely, the refusal of redress for injury, or of security against indubitable danger. But, even when war takes place, and two princes stand in the relation of active enemies, it is not the principle of just and polished nations to push the warfare to dethronement; nor can it ever be any thing but the height of injustice to carry hostilities beyond the line of redress for indubitable injury, and security against indubitable danger. How the assumption of the English, in the case before us, can be reconciled with these established principles, it is not difficult to determine. [1]

[1] The conclusions are wrong because the premises are so. The Nabob had never been a sovereign prince. The ministers of the British crown had, indeed, most impolitically and mistakingly treated him in that capacity, but the history of his connexion with the Company was an irrefutable argument of their error. The Nabob of the Carnatic was originally nothing more than an officer of the Subahdar of the Dekhin, appointed and removed at the pleasure of his superior. That he had been rendered independent of the Subahdar was not even his own act, it was the work of the English; he owed every thing to their protection; he was their creature, not their equal. The dispute lay not between two potentates of independent origin and power, but between the master and servant — the sovereign and the subject. The timidity and the ignorance of the superior had suffered the inferior to appropriate what did not appertain to him, and had recognised pretensions to which he had no claim. That is no reason why the error was to be perpetuated, or that it should not be remedied when it was discovered. The established principles which regulate even hostilities between sovereign states were here inapplicable,—for the sovereign state was one, there were not two sovereign states, consequently there could not be hostilities between them. Whatever may be the law of nations in regard to the treatment of independent sovereigns, it will scarcely be denied that the sovereign has a right to degrade a refractory or rebellious dependant. It is true, however, that the Governor-General deprived himself of any advantage from this view of the case, by treating the Nawab as a sovereign prince in alliance with the English. He observes: 'The case requires that we should act as against a state, on the basis of the general law of nations, and that we should employ the power of the British empire in India to demand, and if necessary, to enforce an adequate security for our rights and interests against the machinations of a faithless ally, who has violated the fundamental principles of a public alliance to the extent of placing himself in the light of a public enemy.' Despatches, ii. 523. This means, it is to be presumed, that a sovereign who is an enemy, and who is too weak to resist, may be deprived of his sovereignty: but even if this doctrine were generally true, which it is not, the public hostility of the Nawab of the Carnatic, had not been so decisively manifested as to justify such extreme punishment. The inconsistencies and unsoundness of many of our attempts to vindicate our political measures in India are undeniable. It would have been more honest and honourable to have confined ourselves to the avowal that the maintenance of the British dominion in India was the main-spring of all our policy. It might also have been safely asserted, on this occasion at least, that the interests of the people demanded the separation of the double administration of the affairs of the Carnatic, and an end being put to the misgovernment of the Nabobs of Arcot.—W.

As if aware, after all, how little all other pleas were qualified to support the measure which he was eager to pursue, the Governor-General forgot not his standard reason for the dethronement of princes; namely, the badness of their government. He affirmed, that no other expedient but the dethronement of the Nabob of Arcot, and the total transfer to the English of the government of the Carnatic, afforded any chance for that reform which the impoverishment of the country, and the misery of the people, so forcibly required. Here, at last, he obtained a ground, on which, if the end for which government was instituted, and for which it ought to be upheld, is worthy of being regarded, he might stand with perfect assurance. Though we may suspect the servants of the Company of some exaggeration, when they describe the horrible effects of the Nabob's administration, there is no doubt that they were deplorable. It is equally certain, that no considerable improvement could be introduced, while the powers of civil administration remained at the disposal of the Nabob. And, though what the Company had attempted for improving the condition of their subjects, where they possessed the undivided powers, had hitherto displayed but little either of skill or success, some efforts had been nobly intended, and will doubtless be followed by more judicious expedients. Even under the bad system of taxation, and the bad system of judicature which the English would employ, the people would immediately suffer less than under the still more defective systems of the Nabob; and they would reap the benefit of all the improvements which a more enlightened people may be expected to introduce. On this ground, we should have deemed the Company justified, in proportion as the feelings of millions are of more value than the feelings of an individual, in seizing the government of the Carnatic long before; and, on the same principle, we should rejoice, that every inch of ground within the limits of India were subject to their sway. In matters of detail, I have more frequently had occasion to blame the Company's government than to praise it; and, till the business of government is much better understood, whoever writes history with a view solely to the good of mankind, will have the same thankless task to perform; yet I believe it will be found that

the Company, during the period of their sovereignty, have done more in behalf of their subjects, have shown more of good-will towards them, have shown less of a selfish attachment to mischievous powers lodged in their own hands, have displayed a more generous welcome to schemes of improvement, and are now more willing to adopt improvements, not only than any other sovereign existing in the same period, but than all other sovereigns taken together upon the surface of the globe.

When the instructions for assuming the government of the Carnatic arrived at Madras,[1] the Nabob Omdut ul Omrah was labouring under an illness which he was not expected to survive. In these circumstances, the Governor forbore to agitate his mind with the communication of intelligence, which he was expected to receive with agony. On an occasion, when the whole family would naturally wish to be assembled, the younger son of the Nabob arrived from Trichinopoly with his attendants, who are not described as being either more numerous or better armed, than those who usually escorted a person of similar condition. Upon a report to the Governor, that some of these attendants had been, or had been proposed to be, admitted into the palace of the dying Nabob, the Governor immediately concluded, that this was for some evil purpose unknown, and resolved to anticipate the effects, by taking possession of the palace immediately with an English force. Communication was made to the Nabob, with all the delicacy of which the circumstances admitted, prevention of confusion at his death being the motive assigned; and the troops took a position commanding all the entrances into the palace, without resistance or commotion. The commanding officer was directed "to exert his vigilance in a particular manner, to prevent the removal of treasure from the palace, sufficient grounds of belief existing that a considerable treasure, a large sum of money, had been accumulated by their Highnesses, the late and present Nabob."[2]. The English, even yet, were but ill cured of their old delusion, that every Indian prince was enormously rich. Of this supposed treasure we perceive not another trace.

[1] Despatches, 525, 533.

[2] Such are the words of the Governor of Fort St. George, in a letter to Lord Wellesley, 7th of July, 1801; papers, ut supra, p. 65.

BOOK VI. CHAP. X. 1801.

On the 15th of July, 1801, the Nabob Omdut nl Omrah died. Immediately a commission was given to the two gentlemen, Webbe and Close, to state to the family the crimes which were charged upon the two Nabobs deceased, and to demand, with information that a due provision would be made for their support, that their consent should be given to the destined transfer of the Carnatic government.

The business was urgent; and, without permitting the lapse of even the day on which the sovereign had expired, the gentlemen repaired to the palace. They were met by some of the principal persons in the service of the late Nabob. They first requested to know if any particular arrangement had been traced by Omdut ul Omrah. Having been informed that a will existed, they desired that it might be produced. Being informed that, without the violation of all decorum, the son and heir of the deceased could not be called upon to attend to ordinary business, before the ceremonies due to his royal father were performed, they replied that on ordinary occasions it was the principle of the English to respect the feelings of individuals, but, where this respect interfered with the business of a great government, the less must, in propriety, yield to the greater interest. The personages, who received their commands, retired to deliberate; and had not long returned with a declaration of submission, when the young Nabob was introduced, bearing the will of his father in his hand. The will directed, that Ali Hoosun, his eldest son, should succeed to all his rights, all his possessions, and "the sovereignty of the Carnatic:" and that the Khans, Mohammed Nejeeb, Salar Jung, and Tuckia Ali, the individuals now present, should be regents, to assist the young Nawab in the affairs of government, till his arrival at competent maturity of years.

The Nabob retired, and the commissioners desired, that the rest of the conversation should be private, between the regents and themselves. The pretended discoveries were described. The following passage, in the report of the commissioners, is memorable: "Nejeeb Khan expressed his surprise at this communication; professed his entire ignorance of the subject; and protested that it was impossible for the Nabob Omdut ul Omrah to

cherish the intentions imputed to his Highness. Some of the principal documents having been produced, Nejeeb Khan asserted, that they contained none but expressions of civility and compliment; that the Marquis Cornwallis had repeatedly enjoined the Nabobs, Mohammed Ali, and Omdut ul Omrah, to cultivate a friendly intercourse with Tippoo Sultaun; that the whole tendency of the correspondence produced was directed to that object, in conformity to the injunctions of Lord Cornwallis; and that the Nabob Omdut ul Omrah had recently addressed himself to Lord Cornwallis on the subject of these communications. The particular warmth of the expressions used by Omdut ul Omrah, in his letter addressed to Gholam Ali Khan on the 14th Mohurrum, 1209, having been pointed out to Nejeeb Khan—he observed that it was nothing more than an expression of civility, which might have been used on any ordinary occasion. On the cipher, of which a proposal appeared to have been made to the Sultan, and which proposal he entirely disregarded, the Khan observed, "that the moonshee of the Nabob was present, and could be examined with respect to the authenticity of the hand-writing, that the cipher might have been conveyed into the archives of Tippoo Sultaun by the enemies of Omdut ul Omrah;" and concluded by a most important request, that the family should be furnished with the evidence, stated to exist, of the supposed criminal intercourse, and have an opportunity of offering such explanations as they might be able to give, and of presenting such counter-proofs as they might have to furnish; when, said he, "the proofs being compared, the Company might form a complete judgment."

A more moderate proposition, on such an occasion, was certainly never advanced. He did not so much as appeal from the judgment of an opposite party; he only requested that party to look first at both sides of the question. If the object had been to explore the truth of the accusation, it would have been easy to secure the papers of the late Nabob, in which, if no marks of a criminal correspondence existed, it would not be very probable that it had ever taken place.

"This discourse," say the commissioners, "being apparently intended to confound the object of our deputa-

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tion,"—yes, that object, to be sure, was a very different thing—"we stated to the two Khans, that the British government, being satisfied of the sufficiency of its proofs, had no intention of constituting itself a judge of the conduct of its ally." There is here one of the most astonishing instances, which the annals of the human mind can exhibit, of that blindness, which the selfish affections have a tendency to produce, when, unhappily, power is possessed, and all prospect both of shame and of punishment is removed. The British government had taken evidence upon the conduct of its ally, had pronounced a sentence of condemnation, and was proceeding, with impetuosity, to carry its decision into execution, yet it would not "constitute itself a judge of the conduct of its ally!" As if one was not a judge, so long as one abstained from hearing both sides of the question; as if, to all intents and purposes, saving only those of justice, it was not easy to be a judge upon very different terms!

The whole of the conference of this day, it appears, was spent, on the part of the Khans, in "asserting their disbelief of the hostile intercourse with Tippoo; and insisting on the reasonableness of their entering into the defence of Omdut ul Omrah's conduct in regard to the several points in which he was accused. When the day was far advanced, they were permitted, on their earnest request, to retire for the purpose of making the necessary preparations for the funeral of the deceased Nabob, and a second interview was appointed for the evening of the following day.

At this meeting, the evils of a divided government, the abuses which prevailed, and all the other arguments, which had been so often urged to prevail upon the Nabobs to resign their authority, were stated to the regents; they were assured that no remedy would suffice, except the revolution proposed; and they were asked, whether they were prepared to enter into an amicable negotiation for that purpose. They remarked, that, "if the entire government of the Carnatic should be transferred to the hands of the Company, the station of Nabob of the Carnatic would be annihilated." The answer of the commissioners is memorable. It seems to prove, that the English in India have so long, and successfully, made use of fiction,

that they take their own fictions for realities. The commissioners had the confidence to tell the regents, "that the rank and dignity of the Nabob of the Carnatic could not be injured," by actual dethronement. Nay, what is more, they state in their report, that the argument which they made use of to prove it, for they did not leave it without an argument, "was admitted by the Khans to be conclusive." The Khans, notwithstanding, declined any answer, on a proposition of so much importance, till they got the benefit of consultation with the different heads of the family; and they were allowed till the next day to prepare for a final declaration.

On this occasion, they began by representing, that the whole family, and the ministers of the late Nabob, having, been assembled to deliberate, had come to certain conclusions. All these persons were convinced, that the British government would not insist upon the utmost severity of the terms which had been recently announced; and they had ventured to propose a different plan, by which, in their opinion, the security, which was the professed aim of the Company, would be completely attained. Their proposition was, to give up the reserved sovereignty over the Polygars, and the right of collecting the revenues in the assigned districts, and along with this to make some better regulations in regard to the debts. The commissioners repeated that "the proposition for vesting exclusively in the hands of the Company the entire administration of the civil and military government of the Carnatic, contained the basis on which alone the proposed arrangement could be founded." After strong expostulation, on both sides, the Khans declared, "that they were prepared to give a decided answer; and that the propositions which they had offered, and of which they delivered a written statement, contained finally, and unequivocally, the terms on which they could accede to an arrangement of the affairs of the Carnatic by negotiation."

The commissioners resolved to accept of an ultimate refusal from no lips but those of the Nabob himself. Upon their request that he should be introduced, the Khans manifested considerable surprise; and expostulated against the proposition, on the ground both of decorum, from the recency of his father's death, and the

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immaturity of his judgment at eighteen years of age. "It was not," say the commissioners, "without a very long and tedious conversation, that we obtained from the Khans the appointment of a time for our receiving, from the reputed son of Omdut ul Omrah, his own determination on the proposition communicated to the two Khans."

On the second day, which was the 19th of July, the projected interview took place. The proposition was restated, to which the acquiescence of the young prince was required; and the consequences held up to his view; the title of Nabob, with the dignity and emoluments of the head of the family, if he complied; the loss of all these advantages, if he refused. "He replied, the Khans being present, that he considered them to have been appointed by his father for the purpose of assisting him; and that the object of his own councils was not separate from that of the Khans." He was then given to understand that Lord Clive, the Governor, required an interview with him. To this proposition also, the Khans manifested reluctance, but they were immediately informed that it was altogether useless. During a short absence of the Khans, for the purpose of preparing the equipage of the prince, "the young man," say the commissioners, "with much apparent anxiety in his manner, whispered in a low tone of voice, that he had been deceived by the two Khans. Ali Hussain, accordingly, proceeded, without further communication with the two Khans, to the tent of the officer commanding the troops at Chepauk, at which place we had the honour of a personal interview with your Lordship." The attendants of the Prince, including even the regents, were ordered to withdraw. At this meeting, it appears that the prince was even forward to declare his disapprobation of the refusal given by the Khans to the proposition of his Lordship; and "proposed that a treaty should be prepared, upon the basis of vesting the entire civil and military government of the Carnatic in the hands of the Company; and stated, that he would be ready to execute the instrument, with, or without the consent of the Khans, at another separate conference, which was appointed, for the next day, within the lines of the British troops."

At that interview, however, Ali Hussain withdrew his acquiescence of the former day, which he described as the sudden and inconsiderate suggestion of the moment. He was again conveyed to a tent, to meet with Lord Clive, apart from his attendants and advisers. Being informed that his sentiments of yesterday were understood to be still his real sentiments; that his altered declaration might be the offspring of fear; that he was at present, however, within the British lines; and, if it was necessary should receive the effectual protection of the British power; he said that he acted under no constraint, and that the determination he had now expressed was that of his own deliberate, clear, and unalterable judgment. "It was then explained to him," say the Commissioners, "that no pains had been omitted, which could warn him of the consequences he was about to incur; that the duties of humanity towards him, and the duties of attention to the national character of the British government, had been satisfied; that he had himself determined the situation in which he would hereafter be placed; and that your Lordship, with concern for himself individually, now apprized him that his future situation would be that of a private person, hostile to the British interests, and dependent on the bounty of the Company.—This declaration Ali Hussain received with a degree of composure and confidence, which denoted that he acted from no impression of fear; and a smile of complacency which appeared on his countenance, throughout this discussion, denoted an internal satisfaction at the line of conduct he was pursuing. Being asked if he wished to make any further observation, he said that he did not; and being also asked whether he had any objection to the introduction of the Khans into the tent, he said he had none; which being accordingly done, he was directed by your Lordship to leave the tent."

The British rulers had all along reserved to themselves an expedient against Ali Hussain, to wit, chicanery about his birth, and had regularly denominated him the reputed son of Omdut ul Omrah; though all that is stated is, that his mother, which, according to the Mussulman law, is a matter of indifference, was not the principal among

the women in the zenana ;[1] and though, at last, too, they precluded themselves from this pretence, by choosing him as the man with whom, in preference to all the rest of his family, they wished to negotiate, and at whose hands to accept the grant of the sovereignty.

Negotiation being in this manner closed on the part of Ali Hussain, the son of Omdut ul Omrah, the English rulers directed their attention to Azeem ud Dowlah, a son of Ameer ul Omrah, who, since the death of his father, had been kept in a state of great seclusion and indigence. To make known the intention of dealing with him as successor to the Nabob might shorten his days. But the English soon found an occasion of delivering themselves from this difficulty. The family resolved to place the son of Omdut ul Omrah on the musnud, to which they held him equally entitled by his birth, and by the will of his deceased father. The English held it necessary to prevent that ceremony; for which purpose the troops already commanding the entrance took possession of the palace, and placed a guard of honour about Azeem ud Dowlah. He was not long kept ignorant of what was to be done with him. The forfeiture of the government by Omdut ul Omrah, and "that satisfaction and security," as they expressed it, which the English rulers "deemed to be necessary to the preservation of their interests in the Carnatic," were explained to him; and he was asked whether, if acknowledged as the head and representative of the family, these were terms to which he would submit. He made as little difficulty in expressing his compliance as the circumstances in which he was placed gave reason to expect.[2] A reflection, however, suggests itself, which, at the time, the English rulers were probably too full of their object to make. If Azeem ud Dowlah had to the inheritance of the family any title whatsoever beside the arbitrary will of the English rulers, his title stood exempt from that plea of forfeiture on which the

[1] Lord Mornington writes, "It is certain that the mother of the young man was of low origin, and that she was never married to the Nabob." This would affect his pretensions, according to the Mussulman law. Despatches, ii. 249.—W.

[2] The report from which the above particulars and quotations are taken, is in the volume of papers (p. 8—25), ordered by the House of Commons to be printed, 21st and 23rd of June, 1801.

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measure of dethronement was set up. It was not so much as pretended that his father, Ameer ul Omrah, had any share in the pretended criminal correspondence of the late and preceding Nabob; and to punish a man for the sins of his grandfather, however it may be reconcileable with some systems of law, will not be denied, it is presumed to be utterly irreconcileable with the essential principles of justice. Besides, though in a certain sense of the word, a prince may forfeit his crown to his subjects, it was not in the relation of subject and prince, that the British Company and the Nabob of Arcot stood; and in what sense it can be said that one prince forfeits his crown to another, it would not be easy to explain.

A treaty was immediately drawn up and signed, according to which all the powers of government were delivered over in perpetuity to the English, and totally and for ever renounced by the Nabob. Yet such is the memorable harmony between the language which the English rulers desired to employ, and the actions they performed, that the first article of the treaty stands in the following words: "The Nabob Azeem ud Dowlah Behauder is hereby formally established in the state and rank, with the dignities dependent thereon, of his ancestors, heretofore Nabobs of the Carnatic; and the possession thereof is hereby guaranteed by the Honourable East India Company to his said Highness, Azeem ud Dowlah Behauder, who has accordingly succeeded to the Subahdarry of the territories of Arcot."

As a provision for the new Nabob, including the maintenance of the female establishment, or Mhal, of his father, one-fifth part of the net revenues of the Carnatic were pledged. The Company engaged to make a suitable maintenance for the rest of the family, and took upon itself the whole of the debts of the preceding Nabobs.[1]

Against this revolution, there was transmitted to the home authorities a remonstrance in the name of the regents. A letter, as from the rejected Nabob, setting forth, in vehement and pathetic language, the proceedings which had taken place, and the cruel effects, as regarded himself, with which they were attended, was transmitted to two gentlemen in England, of the names of Hall and

[1] See the Treaty and Papers, ut supra, I. 74.

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Johnstone, who acted there as agents of the deceased Nabob. The rest of the family continued to vent their indignation, in acts of disrepect to the new Nabob, and in such other demonstrations as they dared to risk. The displays of their dissatisfaction were sufficiently active and manifest to give not only displeasure, but some degree of disturbance to the government. In due time the approbation of the Honourable the Court of Directors, a favour as often as acquisitions were made, not often denied, arrived in proper form. "We have been induced," said the Secret Committee, "to postpone expressing our opinion on the late important transactions in the Carnatic, from a desire to be previously furnished with every information which could bear in any material degree upon the question; and we have accordingly waited with impatience for a review of the circumstances which led to the late arrangement in the Carnatic, which the Governor-General, in his letter of the 28th of September, 1801, to the Secret Committee, acquainted us he was then preparing, and which he proposed to forward by the Mornington packet." The Mornington packet arrived, and the promised review was not received. It was never sent. The Directors accordingly were compelled to approve without it. "We do not," they say, "feel ourselves called upon to enter into a detail of the circumstances connected with this case; or to state at length the reasoning upon those circumstances which has led to the conclusion we have come to, after the fullest and most deliberate consideration. It is enough to state to you, that we are fully prepared upon the facts, as at present before us, to approve and confirm the treaty in question; and we are of opinion, that, acting under the instructions of the Governor-General, you stand fully justified, upon the evidence, written as well as oral, on which you proceed, in deeming the rights of the family of Mohammed Ali, as existing under former treaties, to have been wholly forfeited by the systematic perfidy and treachery of the late Nabobs of the Carnatic, Wallajah and Omdut ul Omrah, in breach of their solemn treaties with the Company. The claims of the family having been thus forfeited, and right having accrued to the Company of making provision, at their discretion, for the future safety of the Carnatic, we are

further of opinion that the nature of the security which has been provided by the treaty, for the defence and preservation of our interests in that quarter, is of a satisfactory description."[1]

One expression alone, in this quotation, appears, on the present occasion, to require any comment. The Directors say, that the Nabob Mohammed Ali forfeited the rights which he enjoyed "under treaties with the Company." But surely his right to the throne of the Carnatic was not created by any treaty with the Company. It had for a long series of years been acknowledged, and proclaimed by the English, as resting on a very different foundation. At the commencement of their political and military operations in the Carnatic, the right of Mohammed Ali by inheritance, to the musnud of his ancestors, was the grand plea which they made use of against the French; and a zeal for the rights of the lawful prince, was one of the colours with which they were most anxious to adorn their conduct. If, by the violation of a treaty, an hereditary sovereign incurs the forfeiture of his sovereignty, how would the case stand, not to speak of other sovereigns, with the East India Company? At a previous epoch, the Directors themselves had vehemently declared, that the treaty was violated; namely, by the assignments which the Nabob had granted on the districts set apart for securing the subsidy. All the rights, therefore, which a violation of the treaty could forfeit, were of course forfeited on that occasion. Yet the Directors by no means pretended that they had a right to dethrone the Nabob on that occasion.[2]

In the letter of Ali Hussain to the agents of the family in England, "Being informed," he says, "on the 29th, that public notification had been made through the different streets of Madras, that the Ameer's son would be placed on the musnud on the 31st instant, under the influence of government, I immediately addressed the Governor with the advice of the regents, on the suggested measure, and proposed to accept the terms which had been at first offered; a measure which my mind revolted at, but which

[1] Letter from the Secret Committee of the Court of Directors, dated 29th of September, 1802, to the Governor in Council of Fort St. George; papers, ut supra, i. 153.

[2] Vide supra.

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seemed to be demanded by the trying exigencies of the moment: and I felt confidence within myself, that, if my offer had been accepted, the liberality of the British nation would have never held me bound by conditions which had been so compulsorily imposed on me; or would have ameliorated a situation, that had been produced by means, which neither honour nor justice could bear to contemplate. My address was wholly and totally disregarded."[1]

Of this offer no mention whatsoever appears in the correspondence of the Company's servants with their employers.

On the 6th of April, 1802, the deposed Nawab died. He was residing in the apartment of the Sultana Nizza Begum, his paternal aunt, when the malady, supposed a dysentery, began; and, in display of the resentments of the family, his situation was concealed from the English government, and the medical assistance of the English refused, till the case was desperate. Nearly at the same time, died Ameer Sing, the deposed Rajah of Tanjore.[2]

Pondicherry having been restored to the French, agreeably to the treaty of Amiens, Bonaparte alarmed the English by sending out a great list of military officers; seven generals, and a proportional number in the inferior ranks, with 1400 regular troops, and 100,000*l.* in specie. The speedy renewal of the war gave them relief from their fears. Possession of Pondicherry was resumed by the English in 1803; but the French Admiral, Linois, had intelligence sufficiently prompt, to enable him to escape with the fleet.[3]

Several occurrences of interest took place in this and the immediately subsequent period of the administration of the Marquess Wellesley, which as they are not adverted to in the pages of the original, it will be convenient to notice in this place.

DURING the year 1800, the Isle of France had been the resort of a number of armed vessels, which with singular

[1] Papers, ut supra, ordered to be printed 21st and 23rd of June, 1802.
[2] Papers, ut supra, i. 95, 96, 145, 146.
[3] Papers ordered to be printed in 1806, No. 25, p. 192.

activity and boldness carried on a predatory warfare against British commerce in the Indian Ocean. The protection afforded by the presence of his Majesty's ships of war was of comparatively little avail against the sudden and rapid operations of the French privateers; and grievous injury was inflicted upon the country trade, and even upon that between England and India.[1] It was computed that between the commencement of the war and the end of 1800, the naval force of the French islands had carried into Port Louis, British property to the amount of above two millions sterling. That such a source of annoyance and injury, such a rallying point for any armament which might be equipped from France against the British possessions in India, should be suffered to exist, was as discreditable to the national reputation, as it was destructive to the mercantile interests of British subjects, and incompatible with the safety of the Indian territories of Great Britain. It was not to be expected, therefore, that a Governor-General of the energetic character of Lord Mornington would fail to attempt the extinction of the evil by the subjugation of the islands of Mauritius and Bourbon.

Accordingly, in the latter months of 1800, as soon as the affairs of Mysore were settled, three of his Majesty's regiments, with 1000 Bengal volunteers, and details of native and European artillery, were ordered to assemble at Trincomalee, on the Island of Ceylon, under the command of Colonel Wellesley, to be employed towards the close of December in an expedition against the Isle of France, if the accounts from Europe and from Egypt were of a nature to leave the Governor-General at liberty to make the attempt.[2] At the same time, the plan of the expedition was communicated to Admiral Rainier, who commanded the British squadron in the Indian Ocean, and he was earnestly requested to proceed to Trincomalee to meet the force and transports assembled there, and co-operate in the attack upon the Isle of France, the

[1] The Kent Indiaman was captured by a French privateer off the Sand Heads, on the 7th of October, after an action of an hour and three-quarters. She was carried by boarding, and the passengers and crew were treated after the capture with brutal barbarity. Despatches, ii. 395.

[2] Letter to the Hon. Col. Wellesley, 5th Nov. 1800. Despatches, ii. 413. See also Wellington Despatches, i. 24, 31.

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successful result of which admitted of no reasonable doubt, from the feeble means of resistance which the colony possessed.[1]

The attempt upon the Isle of France was retarded, however, by the extraordinary scruples of the British Admiral, who withheld his concurrence in the proposed expedition, chiefly because, in his opinion, no such enterprise could with propriety be undertaken, unless by the express command of the king, signified in the usual official form to the British government of India, and to the commanders of his Majesty's sea and land forces. It is difficult to believe how such a plea could have satisfied the understanding of a British officer, or that a mere defect of form should have imposed upon the Admiral the duty of frustrating or impairing the use of such means as the government of India might possess, for the seasonable annoyance of the enemy, instead of zealously seizing the opportunity to direct against them such additional and powerful resources. The principles urged by Lord Wellesley in reply to the Admiral's objections,[2] received the fullest confirmation from the home authorities; and Lord Hobart expressly states that it is of the utmost importance that it should be understood that in the distant possessions of the British empire during the existence of war, the want of the regular authority should not preclude an attack upon the enemy in any case that may appear calculated to promote the public interests.[3] Full credit is given to Admiral Rainier for having acted under a sense of public duty, but it is impossible to avoid suspecting that he was influenced, however unconsciously, by a jealous tenaciousness of authority which disdained receiving orders from an East India Company's Governor, a feeling which has on various occasions been manifested by those intrusted in India with high naval commands, to the serious detriment of the public cause. On the present occasion, its effects were most mischievous, for the privateers of the Isle of France continued, during several subsequent years after the renewal of the war, to harass

[1] Letter to Admiral Rainier, 22nd Oct. 1800. Despatches, ii. 399. See also Letter to Sir G. Younge and Sir Roger Curtis. Ibid.

[2] Despatches, Appendix, 753, 755.

[3] Letter from Lord Hobart to the Marquess Wellesley, 13th Sept. 1802. Despatches, 700.

and plunder with impunity the commercial navigation of the Eastern seas. When the reluctance of Admiral Rainier was found insuperable, the Governor-General resolved to resume a design which had been suspended for a season, and send the troops collected at Ceylon against Batavia.[1] Before this project could be realized, instructions were received from England to undertake an expedition in a different direction, and to send a force from India to Egypt, to assist in the expulsion of the French from that country.[2] The instructions had been in some degree anticipated, and the destination of the troops assembled at Trincomalee was dependent upon the nature of the advices which should be received from England,[3] and which it was thought probable would direct the equipment of an armament for the Red Sea. The force assembled in Ceylon was therefore despatched to Bombay, to be joined there by 1600 native infantry, which had been held in readiness for foreign service.[4] The force was placed under the command of Major-General Baird, who left Bengal on the 14th February; and after touching at Ceylon proceeded to Bombay, where he arrived on the 31st March.

The forces collected for the Egyptian expedition were embarked as fast as transports could be provided for them, and in successive detachments sailed to Mocha as the first point of rendezvous. They had been preceded in December by Rear-Admiral Blankett, with a squadron of the Company's cruisers, and a small body of troops, intended to act as an advance-guard to the expedition, and prepare the way for its reception. Letters were also addressed by the Governor-General to all the principal Arab chiefs on the coast of the Red Sea, to conciliate their good offices and secure their assistance.[5]

After touching at Mocha, General Baird proceeded to Jidda, where he arrived on the 18th of May, and was joined by Sir Home Popham, who had been sent out from

[1] Wellington Despatches, 155.
[2] Letter from the Right Hon. H. Dundas to the Marquess Wellesley, 6th Oct. 1803. Despatches, ii. 436. The measure had been suggested by Lord Wellesley long before. Letter to the Right Hon. H. Dundas, 16th May, 1799. Despatches, i. 587.
[3] From Marquess Wellesley to Major-General Baird, 10th Feb. 1801.
[4] Despatches, ii. 440. [5] Ibid. ii. 471.

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England to take the command of the naval part of the expedition. There also he received intelligence of the action which had taken place between the French army and the British forces on the 21st March, the defeat of the former, and death of Sir Ralph Abercrombie. Proceeding to Koseir, General Baird arrived there on the 8th June, and having concentrated his troops, commenced his march towards the Nile. The passage of the desert, although impeded by a variety of vexatious embarrassments and delays, was effected without any serious loss, and the troops performed the rest of their route down the Nile in boats.

By the 27th of August, the whole of General Baird's force, amounting to 7000 men, was assembled in the Isle of Rhouda. Thence they marched to Rosetta, with the hope of contributing to the capture of Alexandria, but were there met by intelligence that the French were in treaty for surrender; and with this event terminated hostilities in Egypt.

After the cessation of active operations, the two armies from India and England were united under the command of Lord Cavan, and the Sepoys were to be marched to Alexandria to form part of the garrison. The blending of two bodies, differing in many respects as to their pay and organization, was ill-calculated to give satisfaction to either, and the detention of the native troops to perform the duties of garrisons would have been a breach of the implied obligation under which they had consented to engage in foreign service. These objectionable projects were, however, obviated by the intelligence that preliminaries of peace had been signed; and by the end of April orders were received for the return of the native troops, and a portion of the European to India. They were embarked at Suez, in the beginning of June, 1802, and arrived at the Presidencies to which they severally belonged in the course of the two following months.[1] This demonstration of the power of the British empire, which thus brought together numerous and effective armaments from the West and from the East, to fight the battles of England, upon the Banks of the Nile, was calculated to

[1] Besides the Despatches of Lord Wellesley and the Duke of Wellington, see the Life of Sir David Baird for these and other details.

enhance her renown, and confirm her moral, as well as display her political strength. The demonstration was not needed; there was already, as the event proved, a sufficient force to overpower the reliques of the French army, and it would have been economy both of blood and treasure, to have adhered to the Governor-General's original design, and been contented with the less splendid but more serviceable conquest of the Isle of France.

Before the return of the troops from the Egyptian expedition, Lord Wellesley had tendered to the Court of Directors his resignation of the government of India. On the 1st of January, 1802, he conveyed to the Court his wish to be relieved before the end of the current year. In his despatch to the Court, he assigned no other causes for that step than the successful accomplishment of the most essential branches of his general plan for the security of India; the prosperity of the existing state of affairs, and his expectation of completing in the course of the year as great a proportion of improvement in the affairs of India, as he could hope to accomplish within any period of time, to which his government could be reasonably protracted.[1] In a letter addressed to Mr. Addington, the Secretary of State,[2] his Lordship is more explicit: his continuance in India, he states, is precluded by powerful causes, and his administration is brought to a premature conclusion by the authority most interested in its extension; that is, by the Court of Directors, whom he charges with having manifested a want of confidence in him, with having interfered in details of local administration, usually left to local authority, and with having refused their sanction or expressed their disapprobation of arrangements which he had adopted, upon a conviction of their expedience or necessity. He then specifies the particular cases, included under these three general heads.

Without following the Governor-General through all the circumstances which he details, it will be easy to select such as will prove that his accusations were not unfounded and that the Court of Directors had adopted towards him,

[1] Letter to the Court of Directors, 1st Jan. 1802. Despatches, ii. 616.
[2] Letter to the Right Hon. H. Addington, Cawnpore, 10th Jan. 1802. Despatches, iii. Introduction, p. iv.

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opinions and feelings, with the influence of which his continuance in his situation was wholly incompatible. They had learned to look upon him with distrust and fear, on various grounds, some of which were not wholly untenable, but of which others were inconsistent with the extension of the British power in India, and the more decidedly political nature of the position in which the Company had been placed by the results of the war with Tippoo Sultan. Unquestionably the accession of territory acquired by that war; the more complex relations in which it had involved the British government with the neighbouring states; and the continuance of hostilities in Europe, fully justified Lord Wellesley in making an addition to the strength of the Company's army. The Court of Directors, influenced by considerations of economy, which, to say the least of it, were ill-timed, disapproved of the augmentation, and peremptorily ordered a reduction to be made. To have obeyed these orders, would not only have incapacitated the government from co-operating in the Egyptian campaign, but would have exposed the newly-acquired provinces to be the prey of rebellion or invasion. Lord Wellesley was therefore compelled to suspend obedience to the orders of the Court, and they never were obeyed. The Mahratta war, which presently followed, was an unanswerable argument against any diminution of the military strength of British government.

Some of the proceedings of the Court regarded the abolition of various salaries and allowances which the Governor-General had sanctioned or granted: this gave him deep offence, and he resents it in strong terms. "It cannot be denied," he observes, "that the Court, by reducing the established allowances of Colonel Wellesley, has offered me the most direct, marked, and disgusting personal indignity which could be devised. The effect of this order must be to inculcate an opinion that I have suffered my brother to derive emoluments beyond the limits of justice and propriety, and that I have exhibited an example of profusion and extravance in an allowance granted to my nearest connexion. I have already stated that the ground of the order is as unjust and unwarranted in point of fact, as its operation is calculated to be

injurious and humiliating to my reputation and honour." It would appear that the Court had not sufficiently considered the nature of Colonel Wellesley's political as well as military functions in Mysore, or the unavoidable expenses of his situation; and it is undeniable, as Lord Wellesley urges, that if the Court conceived Colonel Wellesley and the Governor-General capable of the conduct which their orders insinuated, they should not have stopped short with such imputation, but should have removed Colonel Wellesley from his command, and Lord Wellesley from his government.

Besides objections to the amount of remuneration for public services, the Court of Directors assumed a right to nominate individuals to offices of trust, and to displace those appointed by their Governors in India. Thus a peremptory order directed Lord Wellesley to appoint a particular person to be Acting President of the Board of Trade, to the supersession of another individual, who had been placed in that office by the government; and at Madras the Court, in opposition to the opinions and wishes of Lord Clive, removed the chief secretary to the government and appointed another, displaced a member of the Board of Revenue, and directly nominated two members to that Board, and granted one of the most important commercial residences on the Coast in reversion upon the first vacancy. These measures undoubtedly constituted an usurpation of patronage contrary to the letter and spirtt of the Act of Parliament of 1793, which, in vesting the privilege of nomination to all offices under Members of Council in the local authorities, subject to the control of the Court of Directors and the Board of Commissioners for the affairs of India, did not intend to give to either of the latter more than the power of checking any abuse of local patronage, and protecting the just rights of their servants in India: where these were flagrantly and systematically invaded, it was, no doubt, the duty of the authorities in England to interfere, but it is obvious that if the interference is perpetually called for, the legitimate remedy is not an assumption of the patronage, but the removal of the offender.

In addition to the counteraction and mortification thus complained of, the Governor-General, at the time he wrote,

anticipated exposure to still further offence; "I am menaced," he observes, "with angry orders of various descriptions, for the subversion of many of the most important acts and institutions of my administration, and for the entire change of its general tenor and spirit." Although not mentioned, he especially alludes to two sets of measures in which he took an active interest, and in which he was most pointedly at variance with the Court of Directors—the establishment of the College of Fort William, and the extended facilities afforded to private trade in Bengal.

It has been already noticed, that in compliance with the requisition of the trading interests of England, a provision was introduced into the charter of 1793, by which 3000 tons at least were to be annually allotted to private merchants. Two objects were proposed by this condition, which was considered to be consistent with the general principle of the Company's monopoly. These were, First, the augmented export of British manufactures; Secondly, the remittance direct to England of that portion of British capital which the Company's investment could not take up, and which was therefore sent in articles of Indian export by foreign shipping, whenever British tonnage was deficient. The provision had failed in both respects. The high rate of freight charged on the Company's shipping, and the delays and interruptions to which their vessels were subjected, were justly complained of as deterring merchants and manufacturers from engaging extensively in the trade. In fact, however, there was no great demand in India at that time for British goods; and the amount of export tonnage, even if the expense had been reduced, would probably have been more than equal to the demand. The case was different with Indian goods. There was a large capital in India, in the fortunes of individuals, that wanted employment, and there was a very extensive demand in Europe for a variety of articles besides those which the Company reserved as objects of their exclusive trade;[1] consequently, the tonnage offered to private mer-

[1] The amount of private, exclusive of privilege goods, shipped from Bengal in the period between the passing of the Act of Parliament and 1800, is thus stated:—

	Tons.		Tons.		Tons.
1794—5	2473	1796—7	4659	1798— 99	6223
1795—6	5346	1797—8	3787	1799—1800	7748

At the latter period above 10,000 tons of shipping, built in India, were tendered for the voyage to England.

chants by the Company, was wholly insufficient for their wants, besides being ruinously costly and uncertain. So strongly was this felt, that the Court of Directors, in May, 1798, authorized the government of Bengal to take up ships, on the account of the Company, for the purpose of re-letting, on the same account, the tonnage to the merchants of Calcutta. Their plan, however, was objectionable on the same grounds as before, expense and delay; and, the principle having been admitted, the practice was modified by Lord Wellesley so far that the merchants and ship-owners were permitted to make their own arrangements for the extent and rate of the freight, and the despatch of the vessels, subject to such conditions as were thought necessary to protect the Company's privilege.[1] The discretion thus exercised created exceeding alarm and anger at home. As the ships taken up were India-built, the ship-builders of the Port of London anticipated the destruction of their business, and the Court of Directors proclaimed that the Company's monopoly was subverted. The views of the Governor-General were advocated by a strong mercantile interest in England, and were upheld by the President of the Board of Control, so that the disapprobation of the Court was not allowed to be directly and immediately expressed.[2] The Governor-General repeated the same arrangement in 1800, and in his report of the circumstance to the Court, declared it to be his decided and conscientious conviction that the permanent establishment of a systematic intercourse between the ports of India and that of London, regulated by principles similar to those adopted by his government, had become indispensable to the united and inseparable interests of the Company and of the nation in India. The liberal and unanswerable arguments by which this opinion was vindicated, were not calculated to render the measure acceptable to the narrow and selfish jealousy of the ship-owners or of the Court of Directors. That the Governor-General's

[1] Advertisement of the Board of Trade, Calcutta, 5th Oct. 1798. Despatches ii. Append. 736.

[2] Letter from the Right Hon. H. Dundas to the Committee of Ship Builders, 1st July, 1797, and to the Chairman of the Hon. E. India Company, 2nd April, 1800. Wellesley Despatches, v. 117, 121. Letter from the same to Lord Mornington, 18th March 1799. Ibid. ii. 101. Letter to the Court, 30th Sept. 1800. Despatches, ii. 376.

unpopularity with both at this early period of his administration must be mainly referred to the encouragement which he thus afforded to the private trade of India cannot be doubted, and was his own impression. "I apprehend," he observes, "that my conduct on the question of the private trade has been the main source of the virulence which has been betrayed by the Court on various other topics."[1]

The support given by Lord Wellesley to the trade from India to England in British-built ships, was the result of the calm and deliberate consideration of a measure concerning which he himself declares he felt no particular solicitude. The same indifference did not attach to an institution of which he was the creator and fosterer—the College of Fort William—and in respect to which he was fated to encounter the no less strenuous opposition of the Court of Directors.

The alteration which had taken place in the situation of the Company in India, and their assumption of a political to the comparative extinction of a mercantile character, had permanently changed the objects which their civil servants were appointed to accomplish, and the denominations of writer, factor, and merchant, by which they were still distinguished, were utterly inapplicable to the nature and extent of their duties and occupations. Not only had they for the greater part ceased to have any connexion with trade, but they were bound by oath to abstain from every commercial and mercantile pursuit, and it had now become their task to maintain civil order through an extensive and populous country; to dispense justice to millions of people of various languages, manners, and creeds; to administer a complicated system of revenue and finance; to conduct difficult and intricate negotiations with all the powers of India; and in several of the chief native states to exercise, as Residents, a peculiar and

[1] See Letter of Mr. Grant and Mr. Twining, two of the Directors, to Lord Wellesley. Despatches, v. 142, 143; also Marquess Wellesley to Lord Castlereagh, 12th Feb. 1803. Despatches, iii. 54. Papers on the Private Trade. Asiatic Annual Register, 1801; also Debates at the India House on the same subject. In a debate on the 28th May, 1801, one of the Directors, who had recently been chairman, asserted, that "it was through the impropriety of Lord Wellesley's conduct that the agents and merchants were admitted into what they wanted and what they enjoyed." Ibid. p. 176. See also Henchman's Observations on the Reports of the Court of Directors, 1801, and Auber's Rise and Progress of the British Power in India, ii. 202.

invidious control over vast principalities. They were required, in short, to discharge the duties of statesmen in every other part of the world, but under difficulties of a characteristic description, arising from the total dissimilarity that existed between the languages, manners, and opinions of England and India — between all the circumstances in which the public functionaries had been educated, and those to which the fruits of their education were to be applied. It may seem extraordinary, that the incongruity of the two had not previously been discovered, and that it was reserved for the Marquess Wellesley to discover that a knowledge of the languages spoken by the people of India, and of the people themselves, was an essential part of the education of those Englishmen who were to be charged with the offices of magistrates, judges, collectors, ambassadors, and governors in India.

The views entertained by the Marquess Wellesley of the sort of instruction required, although sound in principle, were of an extent which it would be difficult under any circumstances to realize, and which in India it was hopeless to attempt. The state of preparation in which the junior civil servants of his day were sent out, justified him, no doubt, in desiring that even their European education should be continued after their arrival. Some of the writers he describes as unfit to execute any duties beyond those of a copying-clerk, whilst of those who had received the benefits of a superior education, the studies had been prematurely interrupted at the age when they were about to yield the reward of application. An adequate remedy for this was not to be found in India, but in England; and the attempt to prolong a course of European study in Bengal, where few of the inducements or facilities for such an object were available, and where the services of competent instructors could not at all times or for a continuance be procured, was justly condemned by the Court of Directors as an unprofitable expenditure both of money and of time.

Whilst, however, it was obviously a matter of easy regulation to enforce, in the case of every junior civil servant, the acquirement at home of the highest possible attainments that could be gained by English education, it

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was equally evident that certain local qualifications were indispensable, which could not at any time be conveniently, or at that time be at all obtained in Europe. It was scarcely possible to add to the most approved course of juvenile instruction in England, an intimate acquaintance with the history, customs, and manners of the people of India, with the Mohammedan and Hindu codes of law and religion, with the commercial and political interests and relations of Great Britain in Asia, or with the code of regulations and laws enacted by the Governor-General in council, for the purpose of securing to the people of India the benefit of the ancient and accustomed laws of the country, administered in the spirit of the British constitution. Knowledge of this description could be acquired only in India, and an adequate provision for its being effectively imparted was well worthy of the care and encouragement of the state. There are, however, in the constitution of the civil service, and in the condition of society in India, serious obstacles to this part of the plan; and the only realizable results of the projected establishment were the means of acquiring a command of the languages of the country, of receiving through their literature an honest and authentic expression of the feelings and sentiments of the people, and of learning something of their history, institutions, and laws. The plan of the College also afforded occasions of intimate and creditable intercourse with natives of learning and talent, by which many ignorant prejudices were removed from both the native and European mind, and mutually favourable impressions were acquired. It also offered encouragement to native learning and talent, and the plan extended throughout Hindustan the reputation of the Company's government. Although, therefore, its operations were not as comprehensive as its founder designed, the college of Fort William was productive of important public advantages, exercised for several subsequent years a beneficial influence upon the character of the junior servants of the Company, and was instrumental to the service and credit of the state. A spirit of retrenchment and private interests at last combined to effect its extinction, leaving in its room a meagre contrivance for teaching the smallest possible quantity of

the languages of Bengal, necessary for imperfectly understanding the mere speech of the people.[1]

1802.

The arguments urged by Lord Wellesley with considerable ability, and in general with unanswerable truth, as to the necessity of an improved scale of education for their servants, and the expedience of a collegiate establishment in India for their use, failed to satisfy the Court of Directors, who alarmed at what they termed the considerable and unknown amount of the expense by which it was to be attended, and entertaining an exaggerated apprehension of the financial embarrassments of the Indian government, ordered its immediate abolition. At the same time they could not deny the necessity of providing for instruction in some of the native languages; and they furnished a sketch of a more economical establishment which they were prepared to sanction. Although, in obedience to the orders of the court, the Governor-General announced it to be the intention of the government to abolish the college, he postponed, for various reasons, the actual abolition, until the close of 1803, expressing his hope, that in the mean time, the representations addressed by him to the court might prevail upon it to suffer the establishment to remain unaltered, until he should be enabled to report in person the condition and effects of the institution, and submit such details as might enable the court to exercise its final judgment on the whole plan. This representation, backed by the decided support of the Board of Control, was not without effect upon the proceedings of the Directors, and the sanction of the Court was eventually given to the continuance of a college for the instruction of Bengal writers in the Oriental languages in use in that part of India. Arrangements of a more restricted nature were adopted, for the like instruction to be given to the young civilians of Madras and Bombay, in the languages of the Peninsula; and a college was a few years afterwards founded in England, for the better education of the junior civilians of all the Presideneies, in the usual objects of European study, as well as for a preparatory instruction in the languages of the East. However mutilated, there-

[1] Notes by the Governor-General on the foundation of a College at Fort William, 10th July, 1800. Despatches, ii. 325. Regulations for the Foundation, &c. Ibid. 356.

fore, by the economy or jealousy of the Court of Directors, the projected college of Lord Wellesley had the merit of awakening public attention to an object of vital importance to the prosperity of British India, and of originating useful, although still imperfect measures for its attainment.[1]

The announcement of Lord Wellesley's wish to be relieved from the labours of his government, proved acceptable to neither the ministry nor to the Court of Directors, and both addressed him to urge his remaining in India for a further period,[2] at least until the month of January, 1804. In writing to his Lordship on this occasion, the Court of Directors expressed their persuasion, that in another season the Governor-General would be able to terminate, with honour to himself and advantage to the Company, every measure of importance connected with the recent acquisitions, perfect the retrenchments, as well those resulting from the peace, as others of which their affairs might be susceptible, and in concert with the home authorities lay the foundation of an efficient system, for the liquidation of the Indian debt. These expectations were disappointed. The war with France was speedily renewed, and the war with the Mahrattas called upon the Indian governments for renewed exertions and augmented expense.

CHAPTER XI.

Two Sets of Princes connected with the English; one, whom they made resign both the Military and the Civil Powers of their Government; another, whom they made resign only the Military Powers.— Endeavour to make the Peshwa resign the Military Part of his Government.— Negotiations for that Purpose, from 1798 *to* 1802.*— Negotiations with Dowlut Rao Sindiah for a similar Purpose.— The Dependance of all the Mahratta States expected as the Effect of the Resignation to the English of*

[1] Lord Castlereagh to the Marquess Wellesley, 28th April, 1803. Despatches, iii. 379.

[2] From Lord Castlereagh, President of the Board of Control, 10th August and 10th Sept. 1802. Despatches, iii. 31, 33. From the Court of Directors to the Governor-General, 29th Sept. 1802. Despatch, iii. Introduction, xxv.

the Military Power of any one of them.—Negotiation with Sindiah ineffectual.—War between Sindiah and Holkar.—The Peshwa driven from Poonah.—For the Sake of being restored by English Arms, the Peshwa consents to the Resignation of his Military Power.—A Treaty for that Purpose signed at Bassein.—The Governor-General expects that the other Mahratta States will not dare to quarrel with the English on account of the Treaty of Bassein.—Sindiah assembles his Troops, and marches to the Vicinity of Boorhanpore.—Persevering Attempts to make Sindiah execute a Treaty similar to that of Bassein.—The Peshwa restored.—Probability of a War with the Mahratta Princes on account of the Treaty of Bassein.—Junction of the Armies of Sindiah and the Raja of Berar.—Sindiah and the Raja required by the English to quit their present menacing Position, and replace their Armies at their usual Stations.—Sindiah and the Raja evading Compliance, the English regard them as Enemies.—Arguments by which the Governor-General endeavoured to prove that the line of Policy which led to this Crisis was good.—Investigation of those Arguments.

THE relations, which the British government endeavoured to establish with the Princes of India, were different in different circumstances. They with whom their connexion was the most intimate, the Nabob of the Carnatic, the Raja of Tanjore, the Nabob of Oude, formed one class. Another was formed by those who stood in the circumstances of the Nizam, of the Peshwa and other Mahratta powers.

From the Princes of the first class, it had lately been the object of the British government to take away not only the military, but likewise the civil power, in the countries to which their titles respectively extended; and, leaving them the name of sovereign, to make them simply pensioners of state. With the rest, this object had been completely attained: with the Nabob of Oude, it was found expedient to make something of a compromise. A sort of delegated administration, which, however, he bound himself to carry on according to the pleasure of the delegator, was left to him in civil affairs, in a portion, not much more than a third, of his former dominions.

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To this point the pretensions of the British government had advanced by degrees. At first they were neither very high, nor very definite. The English, for their own security, found it necessary to aid the Princes in defending themselves; and the Princes agreed to re-imburse the English for the expenses which they incurred.

The powers of government, that is, in India, the powers of the sovereign, may be looked upon as divided (in India they are very conspicuously divided) into two portions; the one, the military power; the other, the civil power; the one consisting in authority over the military force; the other in the administration of what is called the civil or non-military affairs of the state, the collection of the revenue, judicature, and police.

The English arrived at the first remarkable stage, when they made the Princes, with whom they were most nearly connected, strip themselves of their military power, to place it in the hands of the English. At this stage affairs remained during a considerable number of years. The sovereigns, placed in these circumstances, held their civil power in a state of absolute dependence. When the civil power, also, was taken away from them, nothing of sovereign remained, but the name. They were in the situation of the Raja of Sattarah, only in the hands of a people, to whom it was agreeable to treat them with more indulgence.

With the Princes of the second class, the object at which the British government had begun to aim, was, to make each of them resign the military part of his power to the English. In respect to the Nizam, the business had been effectually accomplished by the treaty of 1800; when he agreed to receive the subsidiary force of the English, and alienated a great proportion of his dominions to defray its expense.[1] The eagerness with which Lord Wellesley endeavoured to establish the same relations with the principal Mahratta states, he himself informs us, was extreme.

It had suited the English, in their transactions with the Mahratta people, to suppose, in the chieftain called the Peshwa, a species of sovereign authority over the rest of the Mahratta potentates; an authority, which it was

[1] Despatches, ii. 135, 258, 270, 275, and Appendix, 709, 726.

abundantly evident that he did not exercise, and to which it was equally evident that the rest of the Princes paid no respect.[1] In the spirit of this policy, it was the wish of Lord Wellesley to induce the Peshwa, in preference to all the rest of the Mahratta chiefs, to consign the defence of his government and dominions to a British force, and to alienate a part of those dominions for the maintenance of that force; an arrangement which that Governor denominates, "an intimate alliance, founded upon principles which should render the British influence and military force the main support of that power."[2]

In 1798, when the Nizam consented to transfer the military powers of government within his dominions to the English, a similar proposal of "general defensive alliance, and mutual guarantee,"[3] as it is called by Lord Wellesley, was strongly pressed upon the Peshwa. The moment was conceived to be favourable. "The authority of Bajee Rao," says the Governor-General, "was then reduced to a state of extreme weakness by the imbecility of his councils, by the instability and treachery of his disposition, and by the prevalence of internal discord; and in that crisis, his government was menaced with destruction, by the overbearing power of Sindiah. It was evident that the Peshwa could not expect to be relieved from the oppressive control of Sindiah, and to be restored to a due degree of authority within his own dominions, by any other means than by the aid of the British power."[4] The Governor-

[1] The whole history of the Mahratta states shows, that the Peshwa's supremacy was not merely what it suited the English to represent it, but was an essential part of the constitution of the state. The overgrown power of some of the chiefs had, it is true, rendered the Peshwa's authority little more than nominal as regarded them; but even Sindiah and Holkar ever professed to consider the Peshwa as their sovereign, or at least as their sovereign's representative. The title by which they held their lands was originally a grant from the Peshwa in consideration of military service. Undoubtedly, as far as this kind of contract was a leading feature in the feudal system of Europe, the same system may be said to have been found in India. Territory held by the tenure of military service occurred throughout India, and was the loose bond which held the Mahratta chiefs together under a common head. With exception, too, of some of the most powerful of the chiefs, the Peshwa's authority was exercised over the Mahratta jagirdars or feudatories.—W.

[2] Governor-General's Narrative of the late Transactions in the Mahratta empire: East India Papers, Mahratta War, 1803, ordered to be printed 5th and 29nd June, 1804, p. 304.—M.

Besides the Narrative, the same collection contains another communication from Lord Wellesley, entitled Notes relative to the late Transactions in the Mahratta Empire. This was separately printed, with an appendix of official documents, by Debrett, 1804. See also Despatches, iii. 26.—W.

[3] Ibid.

[4] Governor-General's instructions to the Resident at Poonah, dated 23rd

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General informs us, that Bajee Rao did even apply to him for assistance. But when he was made to understand, that it would be granted only on the condition of permanently confiding his defence to a British force; that is, of transferring his military power to the hands of the English, "he deliberately," says the Governor-General, "preferred a situation of degradation and danger, with nominal independence, to a more intimate connexion with the British power; which," adds the Governor-General, sufficiently disclosing his views, "could not be formed on principles calculated to secure to the Peshwa the constant protection of our arms, without, at the same time, establishing our ascendancy in the Mahratta empire."[1] The length of time, during which the Peshwa amused the Governor-General, is thus commented upon by that disappointed ruler. Subsequent events justify a conclusion, that the long and systematic course of deceitful policy, pursued by the Peshwa on this occasion, was not less the result of a determined spirit of hostility, than of his characteristic jealousy and irresolution."[2]

The prospect of the war between the British power and Tippoo Sultaun inspired not the Peshwa, we are assured by the Governor-General, with any of the sentiments of a generous ally; but turned his attention solely to the advantages which the crisis presented "to the faithless and sordid policy of that Prince;" who not only, "by a course of studied and systematic deceit, avoided all active interference in the contest, but actually maintained an amicable intercourse with the enemy.[3]

The Governor-General even makes profession of having been duped by the Peshwa. "His Excellency," says he, speaking of himself in the third person, a novelty which this Governor-General introduced, and of which, in the end, the Directors complained, "in a letter addressed to the Honourable the Court of Directors, under date the 20th of March, 1799, expressed his conviction, that the disposition of the Court of Poonah continued perfectly

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of June, 1802, transmitted in a letter from the Governor-General to the Secret Committee, dated 24th of December, 1802, and received the 9th of May, 1803. Ibid. p. 34.—M. Despatches, iii. 3. 12.—W.

[1] Despatches, iii. 12.

[2] Ibid.

[3] Letters, ut supra, p. 34.

favourable to the British interests; and that want of power would be the sole cause of its inaction, in the event of a war with Tippoo Sultaun." The course of the war, however, he says, suggested doubts; and at the termination of it they were confirmed, "by the correspondence between Tippoo Sultaun and his agents at Poonah, and by letters from Nana Furnavese, and other Mahratta chieftains, to Tippoo Sultaun, which were discovered among the records of Seringapatam. The combined evidence of those documents, and of the Peshwa's conduct during the war, affords unequivocal proofs of the hostility of his disposition towards the British power; and justifies a conclusion, that, if fortune had appeared to favour the enemy, the Peshwa would openly have espoused his cause." [1]

Here was the conduct most exactly, which had been ascribed to the Nabob of Arcot, and by which that prince was declared to have forfeited his throne. The Nabob of Arcot, and the Peshwa, were both princes, connected, by treaty, in alliance with the British power. Both were accused of violating the obligations of that treaty, by corresponding with Tippoo Sultaun. We have seen the treatment bestowed upon the one; it remains to contrast with it, that which was bestowed upon the other, of the two offenders.[2]

"Although," says the Governor-General, "the faithless conduct of the Peshwa not only deprived him of all title to participate in the advantages of the war, but exposed him to the just resentment of the allies, the Governor-General determined to refrain from any measures of a vindictive nature; and to adopt the more liberal policy —of conciliating the Peshwa's interests—and of providing for the security of the allies, and for the general tranquillity of India—by repeating his invitation to the Peshwa to accede to the proposal of general defensive alliance and mutual guarantee; which his excellency had before unsuccessfully offered to the Peshwa's acceptance." [3]

[1] Letters, ut supra, p. 34.

[2] It scarcely needs to be observed, that they were situated, in relation to the British power, in totally dissimilar circumstances: the mere existence of a treaty with each constituted no analogy: the identity or difference depended upon the conditions and objects of the treaties made with them.—W.

[3] Letters, ut supra, Ibid. p. 34.

Such was the difference of treatment intended for the Peshwa. The following was the result. "At the close of the war in 1799," says the Governor-General, "the propositions for the conclusion of defensive and subsidiary engagements with the Peshwa were renewed; under circumstances of peculiar advantage to the latter; who, by acceding to those propositions, would not only have been emancipated from the oppressive control of Sindiah, and have been reinstated in the due exercise of his authority—but would have been admitted to a participation in the conquered territory of Mysore.

"But, after a vexatious and illusory discussion of the propositions, during a period of several months, the negotiation was closed, by the Peshwa's rejection of the conditions of defensive alliance, under any admissible modification of them.

"The circumstances of that negotiation afford the strongest reasons to believe, that the Peshwa never seriously intended to enter into any engagements, on the basis of those propositions; and that he had no other intention, from the commencement of the negotiation, than, to avoid the consequences of an unqualified refusal to treat; to deceive the public, and the Governor-General, by the appearances of a disposition to concur in the views of the British government for the tranquillity of India; and to deter Sindiah from the prosecution of his ambitious designs, by persuading that chieftain, that the Peshwa had it in his power, and in his contemplation, to avail himself of the protection of the British arms." [1]

Nor were these the only occasions on which the Peshwa had been importuned on the same subject. "The negotiations," continues the same high reporter, "which followed the renewal of the Governor-General's propositions in the month of April, 1800, were conducted, on the part of the

[1] Letters, ut supra, Ibid. p. 34.—M.

These were, no doubt, his intentions; as beside his own very reasonable aversion to arrangements which would have placed the Peshwa under the control of the English, the same policy was always enforced upon him by the sagacity of Nana Furnavese, who, to the period of his death in 1800, was decidedly averse to the admission of a body of foreign troops in the manner proposed by the Marquess Wellesley, if the energies of the Government could be restored without their aid. Nana Furnavese respected the English, admired them sincerely, and the vigour of their government, but as political enemies, no one regarded them with more jealousy and alarm. Mahr. Hist. iii. 188.—W.

Peshwa, in the same spirit of temporizing policy, and studied evasion, which characterized his conduct in every previous discussion. His long and degrading subjection to the power of Sindiah; his repeated experience of the perfidy and violence of that unprincipled chieftain; the internal distraction which prevailed in his government; and the consciousness of his inability to relieve himself from the pressure of his accumulated difficulties, and to secure the efficient exercise of his authority; were insufficient to subdue the emotions of his jealous fears, and to induce him to rely, with confidence, on the protection of that state, which alone possessed the power and the will to extricate him from his embarrassments, and to place him in a situation of comparative dignity and security. Those negotiations were closed in the month of September, 1800, when various unprecedented acts of violence and extortion, on the part of Sindiah, had aggravated the pressure of the Peshwa, and virtually annihilated his authority — by the Peshwa's absolute rejection of the principal articles of the Governor-General's proposition.

"And he may be considered to have rejected those propositions again, by his refusal to become a party in the treaty of general defensive alliance, concluded with the Nizam in October, 1800, which was tendered to his acceptance." [1]

But the complaints of the Governor-General are not confined to the arts by which the Peshwa endeavoured to preserve the advantage of appearing to enjoy the friendship of the British government, and at the same time to avoid the transference and loss of his military power. "While these several negotiations were depending," says the great informant, "the Peshwa was at different times employed in carrying on intrigues at the court of Hyderabad, to effect the dissolution of the alliance between the Company and the Nizam, and to engage his Highness to unite with the Mahrattas, at any future favourable opportunity, for the subversion of the British power." [2]

Towards the end of the year 1801, the Peshwa came forward with a proposal "for subsidizing a body of British troops." To this, according to the Governor-General, he was "influenced, either by views and intentions similar to

[1] Letters, ut supra, Ibid. 35. [2] Ibid.

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those which regulated his conduct during the negotiations of 1799 and 1800; or, if sincere in his proposal, by the hope of obtaining the aid of the British for the re-establishment and security of his authority, without hazarding the introduction of that degree of control and ascendancy, which," says the Governor-General, "it must be our interest to establish in the Mahratta state, and which it is his object to avoid."[1]

"The Peshwa," continues the Governor-General, "is aware that the permanent establishment of a British force, in the vicinity of Poonah, would immediately place him, in some degree, in a state of dependance upon the British power. And, therefore, he has stipulated, that the subsidiary force shall be retained within the Company's dominions at all times, except when he shall require its actual services."[2] For the charges of the troops, the Peshwa proposed to assign a territory, in a part of the Mahratta country over which he had only a nominal authority, and "the cession of which," says the Governor-General, "would not in any degree contribute to render the Peshwa dependent on the support of the British power."[3] Because this arrangement would be extremely advantageous to the Peshwa, without yielding correspondent advantages to the British government, it was the opinion of the Governor-General, that it ought to be rejected. But he was of opinion, that rather than not get a British force subsidized, as he termed it, by the Peshwa; that is, placed in the service, and at the expense of that prince, it was advisable to consent to his proposition with regard to the station of the troops, provided he would make an acceptable provision in land, or even in money, for their maintenance. The Governor-General reasoned thus: "The measure of subsidizing a British force, even under the limitations which the Peshwa has annexed to that proposal, must immediately place him, in some degree, in a state of dependance upon the British power; provided that measure be uncombined with any other arrangement, calculated to defeat its operation. The dependance of a state, in any degree, upon the power of another, naturally tends to promote a sense of security, derived from the support of a foreign power; produces a

[1] Letters, ut supra, Ibid. p. 35. [2] Ibid. [3] Ibid.

relaxation of vigilance and caution; and the operation of natural causes, in augmenting the dependance of the Peshwa on the British power, under the operation of the proposed engagement, would be accelerated by the effect which those engagements would produce, of detaching the state of Poonah from the other members of the Mahratta empire." [1]

When "the Governor-General," these are his own words, "notwithstanding his frequent disappointment in the accomplishment of his salutary views, determined, in June, 1802, to renew his negotiations for the conclusion of an improved system of alliance with the court of Poonah; the increased distraction in the Mahratta state, the rebellion of Jeswunt Rao Holkar, and his success against the combined forces of the Peshwa and Sindiah, appeared to constitute a crisis of affairs, favourable to the success of the proposed negotiation at Poonah." In the course of the discussions which ensued, the Peshwa manifested a desire to contract defensive engagements with the Honourable Company, under circumstances of more apparent solicitude, than had marked his conduct at any former occasion. The Peshwa, however, continued to withhold his consent to any admissible modifications of the Governor-General's propositions, until Jeswunt Rao Holkar, at the head of a formidable army, actually arrived in the vicinity of Poonah." [2]

The crisis to which the Mahratta affairs were then approaching, was preceded and produced by the following circumstances.

Mulhar Rao Holkar, one of the leaders in the army of the first Peshwa, was instrumental in pushing the conquests of the Mahrattas towards the north; and, according to the usual policy of the Mahratta government, received a portion of territory, in the province of Malwa, for the support of his troops. This happened about the year 1736; and laid the foundation of the sovereignty of the Holkar family; for, as the power of the primary government declined, that of the principal viceroys, according to custom, became independent; and, although the memory of the primitive connexion with the Peshwa was not obliter-

[1] Letters, ut supra, Ibid. p. 37.
[2] Governor-General's Narrative, Ibid. p.305.

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ated, they not only acted as his equals, but frequently as his masters; and on no occasion, except when it suited their interest, allowed their will to be governed by his. Mulhar Rao Holkar died in the year 1766. He was succeeded by his nephew, Tukajee Holkar. This prince reigned till the year 1797. He left four sons, Cashee Rao, Mulhar Rao, Etojee Holkar, and Jeswunt Rao Holkar; the two former alone by the wife or principal female in the harem. Cashee Rao succeeded Tukajee, as the eldest son by his wife. A dispute, however, soon arose between Cashee Rao and his brother Mulhar Rao, who claimed an equal share in the inheritance; and they both repaired to Poonah, for the purpose of settling their disputes by the intervention of the Peshwa.[1]

Dowlut Rao Sindiah exercised at that time a despotic authority over the Peshwa; and regarded the occasion as highly favourable for adding the possessions of the Holkar family to his own. Having made his terms with Cashee Rao, who is said to have renounced a claim of sixty, and paid a sum of six lacs of rupees,[2] he surprised and slaughtered Mulhar Rao, with all his attendants, at Poonah, in the month of September, 1797. The wife of Mulhar Rao, left in a state of pregnancy, produced a son, who was named Khundeh Rao. Sindiah possessed himself of the person of

[1] Mulhar Rao, named Holkar, or, more properly, Hulkur, from the village of Hul, where he was born, was of the Dhoongur or Shepherd caste. His father was a small farmer, and he himself, whilst a youth, tended the flocks of the family; he was afterwards enlisted in his troop by an uncle who commanded a small party of horse in the service of a Mahratta chief. Distinguishing himself as a brave and active soldier, he was taken into the service of the Peshwa, the first Bajee Rao, was appointed to the command of five hundred horse, and, in the course of a short time, acquired higher distinctions. The first grant of land for his services was made in 1728. In 1732 he commanded the advance of the Mahratta army which conquered Malwa; and, in the following year, Indore, which became the capital of his descendants, was assigned to him for the support of his troops. To the territory round Indore he made large accessions, so that, with exception of one district, all that belonged to his successors was bequeathed by Mulhar Rao. The only son, Kundee Rao, being dead, he was succeeded by his grandson, Mallee Rao, but this prince reigned only nine months. Upon his decease, a distribution of the powers of the state of Indore took place, which, however, apparently precarious, continued undisturbed for thirty years. Alia (Ahalya) Bhye, the mother of Mallee Rao, widow of Kundee Rao, the son of Mulhar Rao, boldly assumed the office of regent, and elected for the commander of the army, and to fulfil those duties which she could not as a female perform, Tukajee Holkar, a chief of the same tribe, but no way related to Mulhar Rao. Ahalya Bhye died in 1795; Tukajee in 1797. Malcolm's Central India, i. 1. 142. The character of Ahalaya Bhye is there delineated at length in the most favourable colours. She was undoubtedly a woman of singular merit.—W.

[2] Fifteen according to Malcolm; ten in cash, and five in the mortgage of the revenue of Amber in the Deccan. Central India, i. 197.—W.

the infant; retained Cashee Rao in a state of dependence; and proposed to govern the Holkar dominions in his name. The two brothers Etojee and Jeswunt Rao, had attached themselves to the cause of Mulhar Rao, and were both at Poonah at the time of his murder. Etojee fled to Kolapore, where he was taken, in the commission of hostilities; sent to Poonah; and deprived of his life.[1] Jeswunt Rao, made his escape to Nagpore; and was protected for some time; but the instigations of Sindiah at last prevailed, and the Raja placed him in confinement. He contrived to effect his escape, and fled to Muheswar, on the Nerbuddah.[2] Sindiah, at that time deeply engaged in his schemes for securing the ascendancy of Poonah, had not leisure to pursue the fugitives with vigour and expedition, and probably thought his resources too contemptible to excite any apprehension. This remissness enabled Jeswunt Rao to avail himself of the means which so plentifully exist in India, of collecting an army of adventurers, by the prospect of plunder. It was not till the year 1801, that Sindiah really became alarmed at the progress of Jeswunt Rao.[3] He then began to collect an army on the Nerbuddah, and ordered the chiefs in his dependance to join him with the smallest possible delay. On the 14th of October, 1801, a general engagement took place between the armies of the two chieftains, in the neighbour-

[1] Malcolm says he had joined a body of freebooters, and being taken, was trampled to death by an elephant. Grant Duff gives a particular account of his execution and the savage exultation of Bajee Rao at his destruction. Mahr. Hist. iii. 199.—W.

[2] Jeswunt Rao, after escaping from Nagpoor, took refuge at Dhar with Anand Rao, of the Puar tribe, to whom he rendered some important service. Compelled by the threats of Sindiah to withdraw his protection, the chief of Dhar gave him a small supply of money, with which he raised a force of fourteen horsemen, and a hundred and twenty ragged, half-armed foot. With this small band he commenced a course of depredations, the success of which added to his adherents. Being the son of a concubine, Jeswunt Rao refrained from claiming the rights of legitimacy, and professed himself the servant of Kundee Rao, the infant son of the murdered Mulhar Rao, a prudent regard for the feelings of his family and clan which contributed materially to his strength. He next formed an alliance with Amir Khan, a Mohammedan leader, who like the Mahratta became, subsequently, of great celebrity in the predatory warfare of Hindustan, was eventually joined by the troops of Kasi Rao, assembled at Indore, and by the end of 1788 was at the head of a considerable army: he encountered Sindiah with between 60,000 and 70,000 men. Central India. See also Life of Amir Khan, by H. T. Prinsep.—W.

[3] There is some disagreement in the dates of these events between the different authorities. According to Malcolm, Sindiah marched against Holkar in 1799. Grant says, he moved from Poonah in November, 1800. The battle of Indore, according to the latter, was fought upon the day mentioned in the text. Mahr. Hist. iii. 201.—W.

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hood of Indore, the capital of the Holkar family. Holkar was completely vanquished, and fled with the loss of his artillery and baggage.[1]

In this situation of affairs, a favourable opportunity appeared to the Governor-General to present itself, of extending his favourite plan for engrossing the military power of the princes in India, or (as he himself chose rather to name it) "the system of general defensive alliance and guarantee." Colonel Collins, who had acted for some time as resident at Futty Ghur, was, in the month of December, 1801, directed to repair to the camp of Dowlut Rao Sindiah. And in the instructions of the Governor-General to that officer, dated the 15th of January, 1802, are the following words: "The events which have lately occurred in Hindostan, and the actual situation of the affairs of Dowlut Rao Sindiah, appear to his Excellency to afford a more favourable opportunity than any which has hitherto offered, of persuading that chieftain to become a party, in the proposed system of defensive alliance and reciprocal guarantee, under the provisions of the treaty concluded with his Highness the Nizam, on the 12th of October, 1800."

The next paragraph of this official paper is important, as exhibiting the views of the Governor-General, with regard to the effect which this defensive alliance, with any one of the Mahratta powers, would have upon all the rest. According to him it would produce one of two effects. Either it would compel them to give up their military power, in imitation of the state which had submitted to that stipulation; or, it would place them "in a dependent and subordinate condition,"—a condition in which "all their ambitious views, and aggressive designs, would be controlled." "It may reasonably," says the Governor-General, "be expected, that the success of a negotiation, for that purpose, with Dowlut Rao Sindiah, will materially promote the complete accomplishment of his Excellency's views, by inducing the other Mahratta powers to concur in the proposed arrangement, with a view to avoid *the dependent and subordinate condition to which they must be reduced*, by their exclusion from an alliance, *of which the operation*,

[1] For these particulars of the dispute between Sindiah and Holkar, see the same volume of Parliamentary Papers, p. 258, 1, 5.

with respect to them, must be, to control all ambitious views and aggressive designs on their part, without affording to those powers the benefits of the general guarantee." The doctrine of the Governor-General, therefore, was, that, in this manner, every one of the Mahratta states would become dependent upon the English government; those who accepted the alliance, by the alliance; those who did not accept it, by being deprived of it; the same happy effect, in two opposite cases, by the same ingenious combination of means.

In regard to the terms of the proposed alliance, the document in question says, "The general conditions to which, in conformity to the proposed arrangement, it is desirable that Sindiah should accede, are, 1st. To subsidize a considerable British force, to be stationed within his dominions: 2ndly. To cede in perpetual sovereignty to the Company, an extent of territory, the net produce of which shall be adequate to the charges of that force: 3rdly. To admit the arbitration of the British government, in all disputes and differences between Sindiah and his Highness the Nizam, and, eventually, between Sindiah and the other states of Hindustan: and 4thly. To dismiss all the subjects of France now in his service, and to pledge himself never to entertain in his service persons of that description."

It was declared to be "extremely desirable that Sindiah should subsidize the same number of British troops, as are subsidized by his Highness the Nizam. If Sindiah, however, as was suspected, would not, unless in a case of extreme necessity, agree to that proposal, the Governor-General was inclined to come down in his terms. He would consent to such a number of troops as even that of two battalions. The obligation of submitting Sindiah's relations with other states to the will of the English, it was not, in the opinion of the Governor-General, very material to exact; for this reason, that, if the other conditions were accepted, this would follow, as a necessary consequence, whether agreeable to Sindiah or not. "His Excellency," says the paper of instructions, "considers Sindiah's positive consent to the third condition, to be an object of inferior importance to the rest: as, without any specific stipulation, the arbitration of the British govern-

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ment will necessarily be admitted, to an extent proportioned to the ascendancy which that government will obtain over Sindiah, under the proposed engagements — and to the power which it will possess of controlling his designs.[1]

Though Sindiah had not only been disposed to receive, but forward to invite the British Resident to his camp, he would offer no specific proposition when Colonel Collins arrived. It was the wish of the British negotiator, who joined the camp of Sindiah on the 20th of February, 1802, to draw from that chieftain a declaration of a desire for British assistance; and afterwards to present the scheme of the Governor-General as the condition on which that advantage might be obtained. Sindiah, however, would not admit that he had any other motive for desiring the presence of a British Resident, than to cement the friendship which already subsisted between him and the British government; and to possess a more immediate channel of communication: especially, "as he was guarantee to the treaty between the English government and the Peshwa;" in this expression, exhibiting, even at this early period, his jealousy with respect to the negotiation, which was now carrying on at Poonah, for superseding the existing treaty with the Peshwa, by a treaty upon the Governor-General's favourite system, called "the system of defensive alliance, and mutual guarantee."

After allowing time for ascertaining the state of Sindiah's councils, the Resident informed the Governor-General, that "Sindiah was anxiously desirous to preserve the relations of friendship at that time subsisting between him and the English government. At the same time," said he, "I consider it my indispensable duty to apprize your Excellency, that I am firmly persuaded he feels no inclination whatever to improve those relations." In other words, he was not yet brought so low, as willingly to descend into that situation in which a participation in the "system of defensive alliance and mutual guarantee" would of necessity place him.

It is important, at the same time, to observe the opinion of this select servant of the Company, with regard to the influence which the treaty so eagerly pursued with

[1] Papers, ut supra, p. 7—9.

the Peshwa would have upon the interests of Sindiah; an influence sufficient to make him court as a favour what he now rejected as equivalent to the renunciation of his independence and power. "Indeed," says the Resident, "were the Peshwa to accept the aid of a subsidiary force from our government, I should, in this event, entertain strong hopes, that Sindiah, apprehensive lest the authority of the head of the Mahratta empire might be exerted against himself, would solicit as a favour to be admitted to the benefit of the treaty of general defensive alliance." The Resident, in this instance, declared his belief, that the same effect would result from this treaty with regard to Sindiah, as the Governor-General had stated to him would be the effect of such a treaty, with any one of the Mahratta powers, upon every one of the rest.[1]

As the Resident was convinced, that, in the present circumstances, it was in vain to hope for the submission of Sindiah to the system of the Governor-General, he thought the dignity of the British government would best be consulted, by forbearing to present the proposition.[2]

Holkar repaired so quickly the disaster sustained near Indore, that early in 1802 he resolved to change the scene of his operations from Malwa to Poonah. Cashee Rao, who had been allowed to repair to Kandeish, had for some time shown a disposition to aid in carrying on a joint war against Sindiah, for the preservation of the Holkar dominions; but as the resources both of his mind and of his fortune were small, so he had latterly professed his determination to adhere to a system of neutrality in the dispute between Sindiah and Jeswunt Rao. The release of the infant Khundeh Rao had been always demanded

[1] On this subject, he further says, in the same despatch: "It must likewise be considered, that, however much it may be to the interest of the Peshwa to engage in the defensive alliance, with a view to the restoration of the due exercise of his authority, as head of the Mahratta empire; yet that Sindiah is by no means in a similar predicament. On the contrary, as the Maharaja (Sindiah), by the real superiority of his power, is now enabled to intimidate Bajee Rao into concessions suitable to his purposes, he is apparently urged, by principles of self-interest, not only to decline becoming a party himself in the treaty, but moreover to exert his utmost influence, in order to prevent the Peshwa from entering into engagements which, if carried to the extent originally proposed, would completely render him alike independent of Sindiah, and of every other chieftain of the Mahratta state."

[2] See the despatch of Colonel Collins, dated Ougein, 8th of March, 1802 Ibid. p. 13—15.

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by Jeswunt Rao, as a condition without which he would listen to no terms of accommodation. Representing Cashee Rao as incapacitated by mental imbecility for the exercise of the powers of government, he proclaimed the infant, head of the Holkar family; demanded, as uncle, the custody of his person, and the administration of his dominions; and gave out his design of marching to Poonah, for the purpose of receiving justice at the hand of the Peshwa; that is, of putting down the authority of Sindiah, with respect to whom the Peshwa had long been placed in a state of prostrate subjection.

Before the middle of the year 1802, Holkar had prepared a large, and, as compared with that of his opponents, a well-disciplined army; and began his march to the south. Sindiah, alive to the danger which threatened his interests at Poonah, detached a large portion of his army under one of his principal generals, Suddasheo Bhao. This force arrived in the vicinity of Poonah, at the close of the month of September: and afterwards effected a junction with the troops of the Peshwa. On the 25th of October the two armies engaged. After a warm cannonade of about three hours, the cavalry of Holkar made a general charge. The cavalry of Sindiah gave way, when that of Holkar cutting in upon the line of infantry, put them to flight and gained a decisive victory.[1]

Colonel Barry Close had been sent in the capacity of Resident to Poonah, in the month of December of the preceding year, with much reliance upon his approved

[1] Papers, ut supra, p. 258, 343.—On the 8th of March, Colonel Collins, in the camp of Sindiah, estimated the prospects of Holkar thus: "Since the defeat of Jeswunt Rao at Indore, where he lost the whole of his artillery, this chief has merely been able to carry on a depredatory war; and as he possesses no other means of subsisting his troops, than by plundering, it is not unlikely that they may disperse during the rainy monsoon. Yet should he even find it practicable to retain them in his service, still they are not so formidable, either from discipline or numbers, as to create any serious grounds of alarm to this court." (Ibid. p. 14.) The Governor-General, in his letter to the Secret Committee, 24th of December, 1802, speaking of the situation of the Peshwa, previous to the battle of the 24th of October, says: "The superiority of Jeswunt Rao Holkar's troops, in number and discipline, to those of the Peshwa and Dowlut Rao Sindiah, rendered the issue of any contest nearly certain." Ibid. p. 29.—M.

The cavalry of Holkar gave way after an unsuccessful charge upon the Peshwa's household horse, but they were stopped, and led again into action by Holkar himself. The victory was owing to his personal efforts, and the steadiness of his infantry, under European officers. The fullest account of it is given by Grant: that of Malcolm agrees with it in the most essential point, Holkar's own share in restoring the day. Mahr. Hist. iii. 206. Central India, i. 226.—W.

ability and diligence for leading the Peshwa to a conformity with the earnest wishes of the English government, on the subject of the defensive alliance.

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A few days before the arrival of Colonel Close, the Peshwa had communicated to Colonel Palmer, his predecessor, his consent "to subsidize a permanent force of the Company's infantry, to the extent of six battalions, with the corresponding artillery, as the Governor-General had proposed; and to assign territory in Hindustan, producing twenty-five lacs of rupees annual revenue: but that the troops should be retained within the Company's dominions at all times, except when the Peshwa should formally require their actual services." There was still a great distance between the compliance of the Peshwa, and the Governor-General's demands. "I am to have my last private audience of the Peshwa," says Colonel Palmer, "this evening: when I will make a final effort to convince his Highness of the lasting security, power, and prosperity," (such was the language which the Governor-General and his agents held even to one another upon their scheme for reducing to dependance the Princes of Hindustan,) "which he will derive from embracing your Lordship's proposals; though I apprehend, that nothing short of imminent and certain destruction will induce him to make concessions, which militate with his deep-rooted jealousy and prejudices," (so the aversion to a final renunciation of all independent power was coolly denominated;) "of which he thinks," continues the despatch, "that he had already made extraordinary sacrifices."[1]

The negotiation languished for six months, because the Governor-General, who, during a considerable part of that time, was earnestly endeavouring to accomplish a similar treaty with Dowlut Rao Sindiah, did not transmit to the Resident his instructions upon the subject of this proposal, till the month of June.

During this interval, the new Resident had time to make his observations upon the character and views of the Peshwa, of which he delivered a most unfavourable report. "Every day's experience," said he, "tends to strengthen the impression, that from the first, your Lordship's amicable and liberal views, in relation to this state,

[1] Papers, ut supra, p. 39, 40.

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have not only been discordant with the natural disposition of the Peshwa; but totally adverse to that selfish and wicked policy, which, in a certain degree, he seems to have realized: a slight recurrence to the history of his machinations is sufficient to demonstrate, that, in the midst of personal peril, and the lowest debasement, he viewed the admission of permanent support from your Lordship with aversion."

"With regard to the Peshwa's government," he says, "it seems, if possible, to become less respectable every day. The great families of the state, with whom he is at variance, prevail over him at every contest."[1]

When the instructions of the Governor-General arrived, he remarked, upon the stipulation of the Peshwa respecting the station of the subsidized battalions, that "if the Peshwa should ever conclude subsidiary engagements on these terms, he would never apply for the aid of the stipulated force, except in cases of the utmost emergency: and his expectation probably is, that the knowledge of his ability to command so powerful a body of troops would alone be sufficient to give due weight to his authority, and to preclude any attempt which might otherwise be made for the subversion of it."

On the next great point, "as the Peshwa," he said, "probably derives no revenue from the territory which he proposes to assign for the charges of the subsidiary force; and his authority in it is merely nominal, his power and resources would not in any degree be reduced by the cession; and the situation of the districts would be too distant and distinct from those territories in which the Peshwa's authority is established and acknowledged, to excite in his mind any apprehension of being overawed or controlled by the proximity of the Company's territorial power and resources. In his Excellency's judgment, therefore, the cession of the proposed territory in Hindustan would not in any degree contribute to render the Peshwa dependent on the support of the British power."

The expense, also, both of taking and of retaining possession of these territories, surrounded as they were by the territories of other Mahratta chiefs, and subject to

[1] Papers, ut supra, p. 42, 46.

their claims, was stated by the Governor-General as a ground of objection.

Upon the whole, he observes, "By this arrangement, the Peshwa would derive the benefit of our support, without becoming subject to our control." He, therefore, concludes; "Under all these circumstances his Excellency is decidedly of opinion that an unqualified concurrence in the Peshwa's propositions would produce more injury than benefit to the British interests in India." At the same time, "From the view," he declares, "which has thus been taken of the disposition and conduct of the Peshwa towards the British power; and from a consideration of the actual condition of his government, with reference both to its internal weakness, and to the state of its external relations, it is to be inferred, that in the actual situation of affairs, no expectation can reasonably be entertained of the Peshwa's acquiescence in any arrangement founded on the basis of the Governor-General's original propositions."

What was then to be done? Was the pursuit of the subsidizing arrangement to be resigned? The desires of the Governor-General were too ardent for that conclusion. He resolved, on the other hand, to accede to the wishes of the Peshwa, in regard to the station of the troops, provided he would either assign a less exceptionable territory, or even engage to pay a competent annual sum from his treasury.[1]

Of the discussions on this new proposition, the detailed reports have not been communicated to parliament, and hence the particulars are unknown. Though Bajee Rao manifested, as the Governor-General informed his honourable masters, a solicitude apparently more sincere than formerly, to contract defensive engagements with the British government, he would assent to no admissible modification of the proffered plan, till Jeswunt Rao Holkar was in the vicinity of Poonah.

To whomsoever of the two antagonists the impending contest should yield the ascendancy, the Peshwa perfectly foreknew that the result would be equally fatal to his authority. On the 11th of October, he transmitted

[1] See, for these facts and quotations, Governor-General's Instructions to the Resident at Poonah, dated 3rd of June, 1802; papers, ut supra, p. 33—39.

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through his principal minister a set of proposals to the British Resident. In these, it was proposed to agree, that the troops should be permanently stationed within his dominions, and that a district should be assigned for their maintenance in his territories bordering on the Toombudra.[1] We are informed by the Governor-General, that "during the discussions which ensued on the basis of these propositions, the evasive conduct of the Peshwa excited considerable doubts of his sincerity, even at that stage of the negotiation: and that on the 24th of October, when the army of Jeswunt Rao Holkar had arrived within a few miles of Poonah, the Peshwa despatched a deputation to that chieftain, with distinct proposals for an accommodation, which Jeswunt Rao Holkar rejected."[2]

On the day of the action, the Peshwa, surrounded by a body of troops, waited for the result, and then fled; leaving in the hands of his minister, for the British Resident, a preliminary engagement to subsidize six battalions, with their proportion of artillery, and to cede a country, either in Guzerat or the Carnatic, yielding twenty-five lacs of rupees.

The wishes of the Governor-General were accomplished, beyond his expectation. And he ratified the engagement on the day on which it was received.[3]

Two grand objects now solicited the attention of the British government. The first was the restoration of the Peshwa; and his elevation to that height of power, which, nominally his, actually that of the British government, might suffice to control the rest of the Mahratta states. The next was, to improve this event for imposing a similar treaty upon others of the more powerful Mahratta princes; or, at any rate, to prevent, by all possible means, their alarm from giving birth to an immediate war, which (especially in the existing state of the finances) might expose the present arrangement to both unpopularity and trouble.

The following occurrences were meanwhile taking place.

[1] Papers, ut supra, p. 63.

[2] Ibid. p. 30.—M. The proposals were no doubt insincere, for Grant affirms that the Peshwa entertained no doubt of Holkar's being defeated. The purport of the only mission noticed by the author of the Mahratta History; was a command to Holkar to retire. iii. 206.—W.

[3] Ibid. p. 30, 64.

The Peshwa, having repaired in the first instance to a fortress, not far distant from Poonah, afterwards pursued his flight to the fortress of Mhar, on the river Bancoote, in the Concan, a maritime country on the western side of the Ghauts. Holkar, whose object it probably was to obtain possession of the person of the Peshwa, and to make the same use of his authority which had been made by Sindiah, attempted, but not with sufficient rapidity, to intercept his flight.

Disappointed in this prospect, Holkar turned his views to Amrut Rao, the adopted son of the Peshwa's father, the late Ragoba; and detaching a body of troops to the place of his residence, brought him to Poonah. The Peshwa's flight from his capital was treated as an abdication, or akin to an abdication, of the government; and affairs were administered in the name of Amrut Rao.[1]

To the British Resident, who remained at Poonah, when it fell into the hands of Holkar, that chieftain, as well as Amrut Rao, diligently represented their views as friendly toward the British state, or even submissive; and they employed their earnest endeavours to prevail upon him to remain at Poonah. As this, however, might appear to afford the sanction of his government to the new authority, he thought it his duty to withdraw, and having, not without difficulty, obtained that permission, departed on the 28th of November.

"At the conferences," says the Governor-General, "holden, by the Resident, with Amrut Rao and Jeswunt Rao Holkar, on the eve of the Resident's departure from Poonah, both those chieftains expressed the solicitude for the preservation of the friendship of the British government; and directly and earnestly appealed to the Resident for his advice in the present situation of affairs. Jeswunt Rao Holkar expressly intimated a wish for the mediation of the Resident, for the express purpose of effecting an accommodation with the Peshwa."[2]

The Peshwa seemed unable to believe himself in safety, in any place accessible to Jeswunt Rao Holkar; and

[1] Not as Peshwa but as Regent for his son Vinayak Rao, who was placed by Holkar on the musnud. The Government was, however, conducted by Amrut Rao. Mahr. Hist. iii. 223.—W.

[2] Papers, ut supra, iii. p. 32, 223.

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requested that a British ship might be sent to Bancoote, to convey him, when he should account it necessary, to Bombay. This determination the Resident at Poonah thought it would not be advisable to encourage. But, "under the determination," says the Governor-General, "which I had adopted, of employing every effort for the restoration of the Peshwa's authority, and in the actual situation of the Peshwa's affairs, it appeared to me, to be extremely desirable, that the Peshwa should immediately place himself under the protection of the British power, by retiring to Bombay."[1]

The Resident from Poonah arrived at Bombay on the 3rd of December. The Peshwa, notwithstanding the permission to place himself under the protection of the British government at Bombay, had yet remained in the Concan, with a declared desire, however, of repairing to his own city of Bassein, where he would enjoy the protection of a British force. His minister arrived at Bombay on the 8th of December. At a conference, the next day, with Colonel Close, he expressed the earnest desire of his master to conclude the proposed engagements with the British government; to the end that, all its demands being complied with, and all obstacles removed, he might as speedily as possible be restored to his authority by the British troops. On the 16th, the Peshwa arrived at Bassein; and was presented with a draught of the proposed treaty. The 18th was appointed for the day on which the arrangement should be completed. After a long discussion, the whole of the draught was accepted, with some alterations in one or two of the articles. And the treaty, called, from the place of transaction, the treaty of Bassein, was signed on the 31st.

The great and leading articles were those to which the

[1] Papers, ut supra, p. 31, 32. "I considered," he further says, "that this measure would preclude all hazard of precipitating hostilities with Jeswunt Rao Holkar, by any advance of the British troops, for the protection of the Peshwa's person; and would enable the British government to open a negotiation with Jeswunt Rao Holkar for the restoration of the Peshwa on the musnud of Poonah, under every circumstance of advantage. This event would also enable us to combine with our other measures, under great advantage, the proposed negotiation with Sindiah, for the conclusion of defensive arrangements. It was obvious, also, that the Peshwa's arrival at Bombay would afford the most favourable opportunity for the adjustment of the terms of the defensive alliance with the Peshwa, on the basis of my original propositions, with the addition of such stipulations as might appear to be expedient, with reference to the actual crisis of affairs."

Peshwa engaged himself, by a paper left behind him, when he fled from Poonah; the permanent establishment within his dominions of the force hired from the Company; and the assignment of a portion of territory, convenient for the English, as the equivalent in exchange. Of the remaining articles, the most important was that by which the Peshwa bound himself never to make war upon any state, but to submit all his differences with other powers to the English; and, in short, not to hold any intercourse with other states, except in concert with the English government.

A local affair of considerable importance was commodiously regulated through this treaty. The pecuniary claims of the Peshwa upon Surat, and the territory lately ceded by the Gaekwar in Guzerat, were commuted for a territory yielding a revenue of the same annual amount.

In one respect, this Mahratta ally was left in a situation different from the situation of those other allies, the Nabobs of Oude and the Carnatic. In their case the English rulers insisted upon a power of ordering, agreeably to their wisdom, the internal administration of the country; or, rather, of taking it wholly into their hands; alleging, as cause, the bad government of those rulers, which it was neither consistent with the interest, nor the humanity, nor the honour of the English government, to render itself the means of preserving in existence. With regard to the one of these powers, the design was partially, with regard to the other, it was completely, executed. With the Peshwa, for the present, the same demand for good government produced not the same effects. In the 17th article of the treaty, "The Honourable Company's Government," it is said, "hereby declare, that they have no manner of concern with any of his Highness's children relations, subjects, or servants; with respect to whom his Highness is absolute." Nay more, "the subsidiary force is to be at all times ready for such services as the due correction of his Highness's subjects and dependants, and the overawing and chastising of rebels, or exciters of disturbance." In other words, to what degree soever of misery the vices of the Peshwa's government may reduce his subjects, the English have "no manner of concern" with that: but, if these unhappy subjects make any effort to

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relieve themselves, the English troops shall be employed in exterminating them. When combinations of rulers take place, and the control of subjects is sufficiently removed, the treatment which is carved out for subjects is pretty much the same, whether the soil be Asiatic or European; the subjects, Mahrattas or French.[1]

The turn which the councils of Sindiah might take, or might receive, in consequence of the present transactions with the Peshwa, was the object which next solicited, and that in a high degree, the attention of the British government. By a letter dated the 16th of November, 1802, the Resident at Poonah is apprized, "that it is the Governor-General's intention to avail himself immediately of the state of affairs at Poonah, and of the defeat of Sindiah's troops by Holkar, to renew overtures to Sindiah, for the purpose of inducing that chieftain to enter into the terms of the general defensive alliance." And along with the notification of the engagements concluded with the Peshwa, Sindiah received an invitation to co-operate with the British government in the restoration of that chief to his throne, and also proposals for a treaty to be concluded with himself, on terms similar to those which had been accepted by the Peshwa.[2]

In another letter, on the 22nd of the same month, the Governor-General still further unfolded his policy. "In fulfilling the obligation now imposed on us, of reinstating the Peshwa in his government and restoring his authority, his Excellency is anxious; first, to avoid all contest with Sindiah or Holkar; and secondly, to refrain from checking the progress of the present warfare between these chieftains." As the immediate march of the British troops for the restoration of the Peshwa would be likely to begin a war between Holkar and the Company, and to terminate that between him and Sindiah; as the intermediate period, at the same time, "presented the most favourable crisis for the accomplishment of his Excellency's views of defensive alliance with Sindiah;" and, as "a delay in the advance of the troops might afford the

[1] This is an unfair view of the stipulation, which was not designed for the people, but their chiefs, whose turbulence and power, as in the case of Sindiah and Holkar, demanded that the Peshwa should be protected against them.—W.

[2] Papers, ut supra, p.64, 67.

further advantage of improving the terms of the defensive alliance with the Peshwa, by obtaining his consent to those conditions which he theretofore rejected," the Resident was informed that there was no occasion to be in a hurry, in commencing operations for the reinstatement of the Peshwa.[1]

Though the Governor-General expressed his conviction, that "nothing but necessity would induce Sindiah to co-operate in the success of the present arrangement;" he yet entertained the hope, that he would perceive his inability to prevent that success; and, as the engagement with the Peshwa would place him under the power of the English, whether he consented to the plan of hired troops, or did not consent to it, that he would account dependance, with the benefit of their alliance, less objectionable than dependance, without it.[2] The home authorities, accordingly, who are always presented with the fair face of things, were told by his Excellency, under date the 24th of December, 1802, "I entertain a confident expectation of the complete accomplishment of all our views, and of the restoration of tranquillity within the Mahratta dominions, by the means of amicable negotiation. It appears probable that Sindiah will cordially co-operate with the British government, in the restoration of the Peshwa's authority; and will consent, in the actual state of his own affairs, to become a party in the proposed system of defensive arrangements."[3]

Yet the Resident at Poonah is told, in a letter dated the 30th of the same month: "Notwithstanding the Peshwa's recent recognition of his engagements with you, his Excellency the Governor-General is induced to apprehend, from the general tenor of the information contained in your despatches, and from the character and disposition of the Peshwa, that his Highness is more disposed to rely on the exertions of Sindiah, than on those of the British government, for his restoration to the musnud of Poonah." Under such views, "his Highness," he added, "may possibly evade the conclusion of a definitive treaty, on the basis of the preliminary engagement. This result will be rendered still more probable by an accommodation between Sindiah and Holkar. The intelligence contained in a despatch

[1] Papers, ut supra, p. 64, 65. [2] Ibid. p. 67. [3] Ibid. p. 33.

from the Resident with Dowlut Rao Sindiah, under date the 19th instant, strongly indicates the probability of that event. And it is apparent, that the principal inducement, both of Sindiah and Holkar, to enter into such accommodation, is the apprehension which they entertain of the interference of the British power, for the restoration and establishment of the Peshwa's authority. It may be expected, therefore, that an accommodation between these chieftains will be accompanied by proposals to the Peshwa, under the mediation and guarantee of Sindiah, of a nature which his Highness may be disposed to accept, rather than be indebted for the restoration of his authority to the interposition of the British government." [1] It was the 10th of February, 1803, before the Governor-General disclosed to the home authorities his opinion that, "the knowledge," as he expresses it, "of our arrangement with the Peshwa, may induce Dowlut Rao Sindiah, and Holkar, to compromise their differences; and to offer to the Peshwa proposals for restoring his Highness to the musnud of Poonah, which his Highness may be disposed to accept, notwithstanding the actual conclusion of engagements for that purpose with the British government." [2]

With regard to the policy which the state of things created by this conduct would suggest, he says: "In such an event, it is not my intention to attempt to compel the Peshwa to adhere to the faith of his engagements, at the hazard of involving the Company in a war with the combined Mahratta states." [3]

This is an admission, that the probable evil of a war with the combined Mahratta states was more than a counterbalance for the probable good to be derived from placing them all in dependence; the effect, which the treaty with the Peshwa, he said, would produce, whether they entered or refused to enter, into the scheme for hiring the British troops.

Notwithstanding this opinion of the preponderant evil of a war with the combined Mahratta states, the Governor-General declares, that, if the Peshwa adhered to his engagements, and had the concurrence of his principal subjects, he should not allow the chance of any other opposition to deter him. Yet from that preponderant evil, the power of

[1] Papers, ut supra, p. 76. [2] Ibid. p. 68. [3] Ibid.

the Peshwa would still be the only defalcation; and how little the account which could be justly made of the power of the Peshwa, the Governor-General was amply informed.[1]

To one view, taken by the Marquis Wellesley, of the question of restoring the Mahratta sovereign, philosophy will not withhold unqualified praise. "The stipulations of treaty" (says he, in his instructions, dated 2nd of February, to 1803, the Governor of Fort St. George), "on which I founded my intention to facilitate the restoration of the Peshwa's authority, originated in a supposition that the majority of the Mahratta jaghiredars and the body of the Peshwa's subjects, entertain a desire of co-operating in that measure. Justice and wisdom would forbid any attempt to impose upon the Mahrattas a ruler, whose restoration to authority was adverse to every class of his subjects. The recent engagements with the Peshwa involve no obligation of such an extent. Whatever might be the success of our arms, the ultimate objects of these engagements could not be attained, by a course of policy so violent and extreme. If, therefore, it should appear, that a decided opposition to the restoration of the Peshwa is to be expected, from the majority of the Mahratta jaghiredars, and from the body of the Peshwa's subjects, I shall instantly relinquish every attempt to restore the Peshwa to the musnud of Poonah."[2]

[1] It made a very material difference, however, whether the Peshwa desired to depart from the conditions of the treaty, or whether he desired to observe them. The Governor-General would not compel him to adhere to the faith of his engagement, but if he did so voluntarily, it was, of course, incumbent upon the English faithfully to fulfil the promises of support which they had made to him. It was not a question of the degree in which the Peshwa's co-operation might or might not diminish the chances of unsuccessful war, but whether the British character for faithful observance of their political engagements should be forfeited or preserved. No risk of war could be put in balance with national reputation. It is true, that the Peshwa had scarcely signed the treaty of Bassein, when, with that duplicity which characterized his whole reign, and eventually hurled him from his throne, he began intriguing with Sindiah and the Raja of Berar, to instigate them to hostilities against the English, with the professed, but, possibly, insincere hope, that they would release him from the dependence to which he had precipitately subjected himself. This negotiation was kept secret from his new allies; and any show of reluctance on their part to reconduct him to Poonah, would, no doubt, have been met by the most vehement remonstrance, and earnest protestations of fidelity and attachment. They had no present reason, therefore, to suppose that they were forcing upon the Peshwa an unacceptable alliance, and as long as he manifested the will to keep his engagements, they were bound in honour and in policy to hazard war, if war was the consequence of the treaty which they had formed.—W.

[2] Papers, ut supra, p. 78.

This virtuous example, till such a time as the majority of the people in every civilized country have become sufficiently enlightened to see the depravity of the case in its own essence, will help to stamp with infamy the most flagitious perhaps of all the crimes which can be committed against human nature, the imposing upon a nation, by force of foreign armies, and for the pleasure or interest of foreign rulers, a government, composed of men, and involving principles, which the people for whom it is destined have either rejected from experience of their badness, or repel from their experience or expectation of better. Even where the disparity of civilization and knowledge were very great; and where it was beyond dispute, that a civilized country was about to bestow upon a barbarous one the greatest of all possible benefits, a good and beneficent government; even here, it would require the strongest circumstances to justify the employment of violence or force. But, where nations, upon a level only with another in point of civilization, or perhaps below it, proceed with bayonets to force upon it a government confessedly bad, and prodigiously below the knowledge and civilization of the age, under the pretence of fears that such a nation will choose a worse government for itself, these nations, or their rulers, if the people have no voice in the matter, are guided by views of benefit to themselves, and despise the shame of trampling upon the first principles of humanity and justice.

In paying the homage which he counted due to the will of a nation of Mahrattas, the Marquis Wellesley was not making a sacrifice of interests which he held in low esteem. In his address to the home authorities, dated the 24th of December, 1802, he declared his conviction, that "those defensive engagements which he was desirous of "concluding with the Mahratta states, were essential to the complete consolidation of the British empire in India, and to the future tranquillity of Hindustan."[1] Yet the complete consolidation of the British empire in India, and the future tranquillity of Hindustan, which could never exist till a sufficient bridle was put in the mouth of the Mahratta power, he thought it his duty to sacrifice, or to leave to the care of unforeseen events, rather than violate

[1] Papers, ut supra, p. 33.

the freedom of will, in this important concern, of the people of one of the Mahratta states.

When the Governor-General resolved on restoring the Peshwa, upon the supposition that he and his subjects were consenting to the plan, a very low estimate of the opposition to be expected from other quarters was presented by the Governor-General to his superiors, in his language of the 10th of February, 1803. "No reason," said he, "exists, to justify an apprehension, that in the event supposed, Sindiah would proceed to such an extremity, as to make opposition, either singly, or united with Holkar. Nor is any such desperate course of proceeding to be apprehended from the Raja of Berar. Uncombined with the power of Sindiah, Holkar will not probably venture to resist the Peshwa. Holkar also has anxiously solicited the arbitration of the British government with respect to his claims. He has transmitted distinct propositions with that view to Lieutenant-Colonel Close." [1]

1803.

The substance of the propositions was that the Peshwa should give to him a crore of rupees for the payment of his troops; that he should also give to him a fortress, as he had given Ahmednuggur to Sindiah; that he should effect the release of Kundee Rao, and grant him investiture, as the heir and representative of the Holkar family. Both the Governor-General and the Peshwa held these demands inadmissible. So far from yielding money to Holkar, the Peshwa thought he ought much rather to get money from him, on account of the depredations committed on his dominions. The gift of a fortress to one person was no reason, he said, why he should be called upon to give one to another; and as to the proposition for disinheriting Cashee Rao, it was forbidden by justice, and by the investiture which had been bestowed upon him during the life of his father; at the same time there was an expedient for reconciling the interests of both, as Cashee Rao had no children, and might secure the succession of Kundee Rao by adoption. The Governor-General held, that the rights of Cashee Rao, founded on descent, should on no account be allowed to be disputed. But he was of opinion, that the Peshwa ought willingly to grant a considerable sum of money, to obtain the departure of

[1] Papers, ut supra, p. 69.

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Holkar; and was even ready to guarantee a loan raised for that purpose; and, if the grant of a fort and jaghire would suffice to avert a rupture, it would not, he conceived, be good policy to withhold it.[1]

"On the receipt of these instructions," says the Governor-General, "Colonel Close endeavoured to persuade his Highness the Peshwa to offer to Holkar such concessions as might induce Holkar to compromise the subsisting differences, and to admit his Highness's peaceable return to his capital. His Highness, however, manifested an insuperable aversion to offer any concession to Holkar, whom he considered to be a rebel against the legitimate authority of the sovereign power of the Mahratta empire." It then remained for Colonel Close to communicate by letter to Holkar, the sentiments of the Governor-General on the subject of his demands; the assurance, that the British government would use its influence to adjust his claims upon Sindiah; an offer to guarantee any adjustment which he might accomplish with the Peshwa; and lastly, the expression of a hope that he would not oppose the execution of the recent engagements between the British and Poonah states.[2]

The expectations of the Governor-General that he might be able, through the operation of the new treaty with the Peshwa, to intimidate Sindiah into an acceptance of the chains which he had forged for him, he did not easily relinquish. That chieftain, after such operations as he had in his power for the increase and equipment of his army, proceeded towards the south; crossed the Nerbuddah on the 4th of February; and on the 23rd arrived in the vicinity of Boorhanpore. Colonel Collins, who had left the camp of Sindiah early in the preceding May, but had received in the month of December commands to return for the purpose of proposing to him a treaty, on similar terms with that of Bassein, arrived at his camp on the 27th of February. "The advices," says the Governor-General in his address to the home authorities of the 19th of April, 1802, "which I received from that officer, and from other quarters, induced me to entertain suspicions that Dowlut Rao Sindiah meditated an accommodation with Jeswunt Rao Holkar; and confederacy with that chieftain,

[1] Papers, ut supra, p. 414, 415, 82, 83. [2] Ibid. p. 86, 87.

and with the Raja of Berar, for the purpose of frustrating the success of the arrangements concluded between the British government and the Peshwa: without, however intending to proceed to the desperate extremity of provoking a contest with the British arms.

"This suspicion," he adds, "was corroborated, by the artifices practised at the camp of Sindiah, upon the arrival of Colonel Collins, with a view of eluding the communication of the propositions with which Colonel Collins was charged, under my authority. And the appearance of Sindia's intentions became still more unsatisfactory, from the evasive, and indirect, or vexatious replies, which Colonel Collins received to my propositions, after he had, at length, obtained access to Dowlut Rao Sindia."

At an interview, which the Resident at last obtained with Sindia, on the 24th of March, that chief informed him that a messenger was on his way to his camp from the Peshwa, for the purpose of explaining to him the nature and extent of the engagements recently concluded between the Peshwa and the British government, and that till the communications of this agent were received, he could not give a decided answer to the proposition about concluding with the English a treaty similar to that of Bassein. He gave, at the same time, the strongest assurance, that he had no intention to obstruct the execution of the agreement between the Peshwa and the British government; on the other hand, that he desired to improve the friendship at present happily existing between that government and the Peshwa, as well as himself.

In this declaration, the Governor-General professed his belief that Sindia was perfectly sincere. "Nor is that sincerity," said he, "inconsistent with a desire to delay his assent to the treaty of Bassein, and to the propositions immediately affecting his separate interests, until he shall have received a direct communication from the Peshwa; or incompatible with the project for a confederacy between Sindia, Holkar, and the Raja of Berar, for purposes of a defensive nature—which I consider to be the extreme object of Sindia, in negotiating such a confederacy, without any views whatever of hostility towards the British power."

Berar was the next, in power and consequence, among

the Mahratta states. "The intelligence which I have received from the court of the Raja of Berar," says the Governor-General, "indicates that chieftain's dissatisfaction at the conclusion of defensive engagements between the British government and his Highness the Peshwa.—Whatever may be the aversion of the Raja of Berar to the interposition of the British government, in the affairs of the Mahratta empire, any attempt, on the part of that chieftain, to obstruct the execution of the treaty of Bassein, would be inconsistent with the systematic caution of his character; and imprudent, in the actual state of his military power, and in the exposed situation of his territories."[1]

At so late a date, therefore, as the 19th of April, 1803, the home authorities were assured by their Indian substitute, that no prospect of a war, the offspring and consequence of the treaty of Bassein, presented itself in any quarter.[2] The same language was employed even so late as the 20th of June. "Every circumstance," he assured them, "connected with the restoration of the Peshwa, justifies a confident expectation of the complete and pacific accomplishment of the beneficial objects of the late alliance.—Although the information," he added, "contained in Lieutenant-Colonel Close's address to your Honourable Committee, and the tenor of latest advices from the Courts of Dowlut Rao Sindia, and the Raja of Berar, tend to countenance the rumours of a projected confederacy between these chieftains and Jeswunt Rao Holkar, the existence of any such confederacy is still a subject of considerable doubt.—If any such combination has been formed, its object is probably restricted to purposes of a defensive nature, without involving any views of hostility towards the British power.—The local situation, and comparative power and resources, of Sindia and Ragojee Bhonsla, preclude the apprehension of any attempt

[1] For the despatch from which these quotations and facts are extracted, see papers, ut supra, p. 85—91.

[2] It cannot be justly affirmed that they were assured there was no prospect of a war. The especial purport of the despatch of the 19th of April, was to report upon the suspicious conduct of the Mahratta chiefs: that it might not end in war was argued upon obvious considerations of what their interests were; but it is no where positively affirmed that there would not be war, and its possibility is implied by the whole tenor of the letter. Despatches, iii. 72.—W.

of these chiefs to subvert the Peshwa's government, or the treaty of Bassein, at the desperate hazard of a war with the British power. The situation of Holkar's power is entirely precarious and accidental. The instability of the resources of that adventurer reduces the continuance of his power to the utmost degree of uncertainty; and absolutely deprives him of the means of opposing any systematic or formidable resistance to the operation of an alliance with the Poonah state.—My instructions to Colonel Collins, of the 5th of May, and to Lieutenant-Colonel Close, of the 7th May, together with my letter of the 15th May to the Raja of Berar, have probably already produced an arrangement of a pacific nature with all the chiefs of the Mahratta empire, whose formal accession to the treaty of Bassein has not yet been signified to me."[1]

The Peshwa received not the treaty, ratified by the Governor-General in Council, earlier than the 18th of March, 1803. The Governor-General informs the Court of Directors, that "he received it with demonstrations of the highest satisfaction."[2]

As early, however, as the month of November preceding, the Governor of Fort St. George, under intimations from both the Governor-General and the Resident at Poonah, was induced to assemble a considerable army at Hurryhur, on the Mysore frontier; which, under the character of an army of observation, might be ready to be employed as events should determine. The Governor of Bombay

[1] Papers, ut supra. p. 98, 99.—M. Despatches, iii. It is very evident, from the tenor of the letter of the 20th of June, that the Governor-General was now too sanguine in his anticipations of continued tranquil relations with Sindiah and the Raja of Berar. He gave them credit for a more accurate estimate of their own force, and that of the English, than they were capable of forming; and he was not aware of the encouragement to interfere which they received from the Peshwa. At the same time it is equally evident that he considered the result as uncertain, and the home authorities must have seen clearly the probability of hostilities. It cannot be affirmed, as it is the object of the text to insinuate, that they were imposed upon by partial misrepresentation. The possible occurrence of the events which took place, however improbable it may have been thought, is decidedly expressed in this paragraph of the letter of the 20th of June: "The judicious arrangements which Major-General Wellesley has effected for the disposition of the troops under his command, is calculated to meet every emergency of affairs, even under the improbable supposition that Sindiah, the Raja of Berar, and Jeswunt Rao Holkar, have really entertained designs of a hostile nature against the British Government or the allies."—W.

[2] Governor-General's Narrative of the late Transactions in the Mahratta Empire. Ibid. p. 309.

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received, in like manner, instructions to hold in readiness for immediate service the disposable force of that Presidency. And a considerable detachment of the subsidiary force at Hyderabad was, through the Resident, directed to be placed in a similar state of preparation.[1]

At the end of February, the whole of the subsidiary or hired force in the service of the Nizam, under the command of Colonel Stevenson, together with 6000 infantry, and 9000 of that Prince's native cavalry, marched from the capital towards the western frontier of the Hyderabad dominions, and reached Paraindah, distant 116 miles from Poonah, on the 25th of March.

From the army assembled at Hurryhur, under the immediate command of General Stuart, the General-in-Chief of the forces under the Presidency of Madras, a detachment, consisting of one regiment of European, and three of native cavalry, two regiments of European, and six battalions of native infantry, with a due proportion of artillery, amounting, in the whole, to 1709 cavalry and 7890 infantry, exclusive of 2500 horse belonging to the Raja of Mysore, began to advance towards Poonah, on the 8th of March. For the command of this detachment; a service, requiring, as he affirmed, considerable skill, both military and diplomatic; the Governor of Fort St. George recommended the brother of the Governor-General, Major-General the Honourable Arthur Wellesley, as a man who, not only possessed, in a high degree, the other requisite gifts, but who, by his command at Seringapatam, had been accustomed to transactions with the jaghiredars of the Poonah state, and successful in gaining their confidence and respect. A man so related, and so recommended, was not likely to see the merits of any competitor set in preference to his own.[2]

On the 12th of April, the force under General Wellesley crossed the Toombudra. On the 15th, the distance was not great between him and Colonel Stevenson, who arrived

[1] Narrative, ut supra. Ibid. p. 307.—M.
These arrangements were subservient to the restoration of the Peshwa in case of opposition, apprehended chiefly from Holkar.—W.

[2] The spirit of this remark cannot be mistaken; but it is not the less true that General Wellesley was eminently fitted for the duty by his popularity with the Mahratta Jagirdars of the South, and his knowledge of the country and the people. See his Memorandum upon Operations in the Mahratta territory. Despatches, i. 111; also, Correspondence, 91, 92, 94, etc.—W.

at Aklooss. Jeswunt Rao Holkar, who had some time quitted Poonah, arrived at Chandore, 300 miles from Poonah, on the same day on which Colonel Stevenson arrived at Aklooss; and nothing remained to oppose the British army. It was unnecessary, therefore, to carry the whole of the troops to Poonah, where the country was too recently and severely ravaged, to yield any supplies. Colonel Stevenson was directed to place the troops of the Nizam at Gardoon, within the Nizam's frontier, and to take post with the subsidiary troops, augmented by the King's Scotch Brigade, further up the Beema, near its junction with the Mota Mola.

Amrut Rao was left at Poonah, with a guard of about 1500 men, alone, and helpless, when Holkar marched. It was, nevertheless, reported, that this defenceless individual, who from first to last is represented, by the English themselves, as utterly averse to the part which he was constrained by Holkar to act, had it in contemplation to burn the city of Poonah; that is, to render his peace impracticable with the people into whose hands he saw that he must inevitably fall. Intimation of this report, and, it would seem, of some belief in the danger which it announced, was transmitted (repeatedly we are told) by Colonel Close to General Wellesley. The Peshwa, by whom it is not wonderful that it was believed, transmitted an urgent request that General Wellesley would detach some of the Poonah officers with their troops to provide for the safety of his family. Counting the Poonah officers, with their troops, a security ill-proportioned to the danger, General Wellesley resolved to attempt an unexpected arrival. Intelligence was received on the 19th, that Amrut Rao was still at Poonah on the 18th, and had removed the family of the Peshwa to Servagur; which was concluded to be a step preparatory to the burning of the town. General Wellesley, therefore, taking with him only the cavalry, and making a night march through a difficult pass, and a rugged country, arrived at Poonah on the 20th, having accomplished, from the evening of the 19th, a march of forty, and from the morning of that day, that is, in a period of about thirty-two hours, a march of sixty miles.[1] Amrut Rao heard of the march of the British

[1] Despatches of the Duke of Wellington, i. 142.—W.

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cavalry on the morning of the 20th, and quitted Poonah, but without any act implying that he had ever entertained a thought of setting fire to the place.

In conducting the Peshwa to Poonah, it only now remained to provide a sufficient quantity of pomp. The description shall be given in the words of the Governor-General himself. "During these transactions, arrangements were made by the Governor of Bombay, and by Lieutenant-Colonel Close, for the march of the Peshwa towards Poonah. A detachment, consisting of his Majesty's 78th regiment (which left Bengal on the 7th of February, and arrived at Bombay on the 5th of April, 1803), five companies of his Majesty's 84th regiment, a proportion of artillery, and 1035 sepoys—in all 2205 men, was formed, and placed under the command of Colonel Murray, of his Majesty's 84th regiment, as an escort to his Highness, who left Bassein, attended by Colonel Close, on the 27th of April.

"On the 7th of May, the Peshwa passed General Wellesley's camp, at Panowallah, near Poonah. On the 13th, his Highness, attended by his brother Chimnajee Appa, and by a numerous train of the principal chiefs of the Mahratta empire, proceeded towards the city of Poonah; and, having entered his palace, resumed his seat upon the musnud, and received presents from his principal servants.

"During the procession, the British Resident, accompanied by his suite, paid his compliments to his Highness, when a salute was fired by the British troops, encamped in the vicinity of Poonah, under the command of General Wellesley. This salute was immediately answered from the fortress of Seonghur.

"While the procession passed the bridge into the city, a second salute was fired from the British camp; and as the Peshwa approached the palace, salutes were fired from the several posts of the Mahratta troops. At sunset, salutes were fired from all the hill-forts in the vicinity of Poonah." [1]

Notwithstanding the confident expectation which the Governor-General had expressed to the home authorities, not only on the 19th of April, but as late as the 20th of

[1] Governor-General's Narrative. Ibid. 307—311.

June, that no war would rise out of the treaty of Bassein;[1] yet before that time, as he himself informs us, "he had great cause to doubt the sincerity of Sindiah's professions; while the increasing rumours of a hostile confederacy against the British government, between that chieftain and the Raja of Berar, rendered it indispensably necessary to ascertain, with the least practicable delay, whether the British government were likely to be exposed to a contest with the confederated chieftains. These considerations determined the Governor-General to lose no time in furnishing Colonel Collins with detailed instructions for the guidance of his conduct, in this important and delicate crisis of affairs. With a view to expedition, the Governor-General's instructions were, in the first instance, transmitted in the form of notes, under date the 5th of May, 1803, and were afterwards formed into a detailed despatch, which was forwarded to Colonel Collins on the 3rd of June."[2]

Nay, when the time arrived, at which it was desirable to make it appear, that the hostile mind of Sindiah, and not provocation by the British government, had produced the calamity of war, the Governor-General actually enters into an argument to prove, that from an early date, he had evidence which rendered in no respect doubtful the existence of hostile projects in the mind of Sindiah. After a display of the motives, in their own ambition, which Sindiah and the Raja of Berar, had for aversion to the treaty of Bassein, "The belief," he says, "that those chieftains entertained designs hostile to the British government, at the earliest stages of the negotiation between the resident and Dowlut Rao Sindiah, is supported by the information which the Governor-General has from time to time received of the proceedings of that chieftain." Of this information he specifies three instances; one contained in a letter of Colonel Collins, dated the 9th of March; a second received on the 17th of June; and the third alone, not more conclusive than the former, sent by Colonel Collins on the 14th, not received till after the date of his pacific declaration to the home authorities. "These facts," he then subjoins, "reciprocally confirm

[1] Vide supra, p. 290.

[2] Narrative, ut supra, p. 317, 318.—M. Despatches, iii. 120.—W.

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each point of the evidence of Sindiah's hostile projects; and combined with information, at various times communicated, by the Resident with Dowlut Rao Sindiah, of the proceedings of that chieftain, with the repeated rumours of the formation of a hostile confederacy between Dowlut Rao Sindiah, and the Raja of Berar, and Jeswunt Rao Holkar, and with the tenor and result of the Resident's negotiations, must be considered to amount to full proof of the alleged design of subverting the alliance formed between the British government and the Peshwa."[1]

The Resident with the Dowlut Rao Sindiah, having received the Governor-General's instructions, obtained an audience of that chief on the 28th of May. He was encamped at a place called Chickley, not far from Boorhanpore, where his own dominions border on those of the Raja of Berar. The conference was opened, on the part of the Resident, by communicating to Sindiah the treaty of Bassein, of which a copy was presented and read. "When the whole of the treaty had been distinctly explained to the Maharaja, I then asked him," says the Resident, "whether he thought it contained any thing injurious to his just rights; since I had reason to think some doubts had arisen in his mind on this head?"—It was one of his ministers who thought proper to reply; "acknowledging," says the Resident, "that the treaty did not contain any stipulation prejudicial to the rights of the Maharaja; to which the latter assented."

"I proceeded," says Colonel Collins, "to state—that negotiations had of late been carried on between Dowlut Rao Sindiah and the Berar Raja—that these chiefs were, I understood, to have an interview shortly, somewhere in the vicinity of this place—that the Maharaja had concluded a peace with Jeswunt Rao Holkar, in whose camp a vakeel also now resided on the part of Ragojee Bhonslah—that Sindiah had likewise avowed an intention of proceeding with his army to Poonah, accompanied by the Berar Raja—and that, on combining these circumstances, I could not but suspect that this court meditated designs adverse to the interests of the British government;—for, since his Highness the Peshwa was restored to the musnud of Poonah, the presence of the Maharaja at that capital

[1] Narrative, ut supra. Ibid. p. 334.

could not now be of any use, but, on the contrary, might be productive of evil consequences—nor could the longer continuance of the Maharaja in the Deccan be necessary to his security, since he had come to an accommodation with the only enemy from whom he had any thing to apprehend south of the Nerbuddah; that, therefore, I felt it my duty to require an unreserved explanation from this court, as well respecting the intent of the proposed interview between the Maharaja and the Berar Raja, as regarding the nature of the engagements entered into by those chiefs with Jeswunt Rao Holkar—as their recent union and present proceedings induced some suspicion, that they were confederated, either for the purpose of invading the territories of our allies, his Highness the Peshwa and Nabob Nizam; or of subverting the arrangements lately concluded between the British government and Bajee Rao."[1]

The Resident repeated the assurance of the peaceable and even amicable views of the British government; and stated the arguments of himself and of the Governor-General, to prove to Sindiah, not only that the British government and the Peshwa had a perfect right to contract the engagements into which they had entered, but that the interests of Sindiah, by that means, were in no respect affected.

On the part of Sindiah it was, in like manner, affirmed, that he had no intention whatever to invade either the territory of his Highness the Peshwa, or of the Nabob Nizam. But in regard to the negotiations with the Berar Raja and Holkar, the Resident was informed, that Sindiah could afford him no explanations till the conference between him and Ragojee Bhonslah had taken place. No mode of address, conciliatory or menacing, was left untried by the Resident, to extort a declaration, whether opposition to the treaty of Bassein was or was not in contemplation. Sindiah was informed, that if he maintained his present suspicious attitude, the British government would be called upon to make preparations upon his frontier, which would be attacked in every part, the moment that intelligence was received of his accession to any hostile

[1] Colonel Collins's despatch, dated 29th May, 1803. Ibid. p. 153.—M. Despatches, iii. 159.—W.

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confederacy. After various expostulations, both with the ministers and Sindiah himself, the Resident says, that he turned at last to Sindiah, and "conjured him, in language both urgent and conciliatory, to remove all his doubts and suspicions, by an immediate and candid avowal of his intentions."

"Dowlut Rao," he continues, "in reply to these instances on my part, said, that he could not, at present, afford me the satisfaction I demanded, without a violation of the faith which he had pledged to the Raja of Berar. He then observed, that the Bhonslah was distant no more than forty coss from hence, and would probably arrive here in the course of a few days: that immediately after his interview with the Raja, I should be informed whether it would be peace or war."

It is proper to state, that the Resident, in answer to his remonstrance against the march of Sindiah and the Raja of Berar to Poonah, received a solemn assurance, which he appears not to have disbelieved, that the Peshwa, after his return to his capital, had repeatedly written to the Maharaja and the Berar Raja, inviting them both to Poonah. It is also proper to give the following circumstance, in the words of the Resident; "Neither Sindiah," says he, "nor his ministers, made any remarks on the treaty of Bassein, nor did they request a copy of it." [1]

It will hardly be pretended that the words of Sindiah, "after my interview with the Raja, you shall be informed whether it will be peace or war," yielded any information which was not conveyed by the more evasive expressions of his ministers; "till after the Maharaja's interview with the Raja, it is impossible for him to afford you satisfaction with regard to the declaration which you require." That the words were intended by Sindiah to convey a menace or insult, there is not a single circumstance to countenance the slightest suspicion. And it is visible from the words of the Resident, that they were not by him understood in that sense. "These words he delivered," says he, "with much seeming composure. I then asked, whether I must consider this declaration as final on his part; which question was answered in the affirmative by the ministers of Dowlut Rao Sindiah. Here the

[1] Despatch, ut supra. Ibid. p. 153, 154.

conference, which had lasted three hours, ended; and I soon after took a respectful leave of the Maharaja."

The Governor-General describes as very great, the effect which was produced upon his mind, by the phrase of the Maharaja. "This unprovoked menace of hostility," says he, "and the insult offered to the British government, by reference of the question of peace or war to the result of a conference with the Raja of Berar, who, at the head of a considerable army, had reached the vicinity of Dowlut Rao Sindiah's camp, together with the indication which it afforded of a disposition on the part of those chieftains to prosecute the supposed objects of their confederacy, rendered it the duty of the British government to adopt, without delay, the most effectual measures for the vindication of its dignity, and for the security of its rights and interests, and those of its allies, against any attempt on the part of the confederates, to injure or to invade them."[1]

In consequence of a movement of Holkar towards the frontier of the Nizam, and some depredations committed in the vicinity of Aurungabad, General Wellesley, at the end of April, had directed Colonel Stevenson, with the British force under his command, and the united troops of the Nizam, to move northwards to that city. Towards the end of May, General Stuart, with the army under his command, amounting to three companies of European artillery, one regiment of European, and two regiments of native cavalry, three corps of European infantry, and five battalions of sepoys, with a large train of artillery, crossed the Toombudra, and proceeded forward to Mudgul, a position where, without abandoning the defence of the English frontier, he was sufficiently near the scene of action, to support the advanced detachment, and overawe those who might be found refractory among the Mahratta chiefs. On the 4th of June, Major-General Wellesley marched from Poonah, with the main body of the forces under his command, and on the 15th, encamped at Augah, near Sindiah's fortress of Ahmednuggur, at the distance of about 80 miles from Poonah. "The total number of British troops," says the Governor-General, "prepared on the 4th of June,

[1] Letter from Governor-General to home authorities, dated 1st August. Ibid. p. 148.

BOOK VI. CHAP. XI. 1803. 1803, on the western side of India (exclusive of Guzerat), to support the arrangements with the Peshwa, amounted to 28,244 men; of this number, 16,823 were under the immediate command of General Wellesley, and destined for active operations, against the confederated chieftains, in the event of its being necessary to proceed to hostilities against those chiefs."[1]

The expense of bringing such an army as this into the field was no trifling price to pay for those "arrangements with the Peshwa," which this great force was "prepared on the 4th June, 1803, to support." Yet this was not enough; for, immediately on the intelligence of Sindiah's phrase about "peace or war," the Governor-General issued private instructions to the Commander-in-Chief of the Company's forces in India, to assemble the Bengal army on the Company's western frontier, and to prepare for an eventual war.

It deserves to be noticed, that the letter of the Governor-General to the home authorities, assuring them confidently that no war would rise out of the recent alliance contracted with the Peshwa, was dated on the 20th of June. The instructions to the Commander-in-Chief, which directed the assembling of the army, and laid down a plan of the war, were dated on the 28th of the same month.

In the demand for prompt decision which might arise in the present eventful position of the British government with the Mahratta states, the Governor-General considered that his own distance from the scene of action would require a dangerous suspension of operations, if the power of adapting measures to the exigencies as they arose were not consigned to some individual upon the spot. So much would of necessity depend upon the person at the head of the military force, that a peculiar advantage would arise from combining in his hands, if adapted to the trust, the political powers which it was thought advisable to convey. In General Wellesley the Governor-General imagined he saw the requisite qualifications very happily combined. That officer was accordingly vested with the general controul of all affairs in Hindustan and the Deccan, relative either to negotiation or war with the Mahratta states. The

[1] Narrative, ut supra. Ibid. p. 325, 326.

instructions with which he was furnished for guidance in the use of those extraordinary powers are dated on the 26th of June. The new authority was to pass to General Stuart, as Commander-in-Chief at the Madras presidency, if circumstances (an exigency very unlikely to arise) should render it necessary for that officer to unite the whole force of the army in the field, and to assume in person the general command. And the plenipotentiary commission of General Wellesley remained subject, of course, to the commands of the authority from which it was derived.[1]

On the 13th of May, the Governor-General addressed a letter to Sindiah, and another to the Raja of Berar. These letters, while they paid to these chieftains the compliment of conveying immediately from the head of the English government, intimation of the treaty of Bassein, and affirmed that no injury was done to the rights of either of them by that engagement, which it was within the undoubted competence of the Peshwa to contract, offered to each the benefit of a similar engagement, if they were sufficiently wise to see how deeply their interests were concerned in it; asserted the pacific views of the British government, even if they should reject this generous offer; informed them, however, of the suspicions, which several parts of their recent conduct had a tendency to raise, of their intention to form a hostile confederacy against the late arrangements; directed them, if they wished that their pacific declarations should be deemed sincere, to abstain from occupying with their armies an alarming position on the frontier of the Nizam, the British ally; desired Sindiah, in particular, to carry back his army to the northern side of the Nerbudda; and declared to them, that, if they persisted in maintaining a warlike attitude, the British government must place itself in a similar situation, and the moment they rendered their hostile designs indubitable, would in its own defence be constrained to attack them.[2]

[1] Narrative, ut supra, p. 149, 162.

[2] Ibid. p. 133—136.—M.

There was other correspondence with the Raja of Berar. Prior to the date of Lord Wellesley's letter, or on the 4th of May, the Raja wrote to the Nizam, to announce his proposed interview with Sindiah, and thus explained its object. "After a meeting shall have taken place, and an arrangement for the reconciliation and union between Sindiah and Holkar shall have been effected, a specific plan for the adjustment of the state and government of Rao Pundit Pradhaun, (the Peshwa,) such as the honour and integrity of the Rauj indis-

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The Raja of Berar, having arrived within one march of Sindiah's camp on the 3rd of June, was met by that Prince on the following morning. "The secretary of the British Resident, who was despatched to him with a complimentary message on the 5th, he received with distinguished attention: and he expressed with apparent sincerity," says the Governor-General, "his solicitude to maintain the relations of friendship which had so long subsisted between the British government and the state of Berar." A conference between the chieftains took place on the 8th. On the 9th, the British Resident sent to importune Sindiah for the answer which he promised after his interview with the Raja of Berar. Having received an evasive reply, the Resident addressed, on the 12th, a memorial to Sindiah, informing him, that if he should now refuse to give an explicit account of his intentions, and should continue with his army on the south side of the Nerbudda, "such refusal or delay would be regarded as an avowal of hostile designs against the British government." The Resident requested either the satisfaction which he was commissioned to demand, or an escort to convey him from Sindiah's camp.[1]

Having received a verbal message, which he regarded as an evasion, stating that the required explanation should be afforded in two or three days, the Resident informed the Maharaja, that he received this communication as a final answer, refusing the satisfaction which the British government required; and that he purposed leaving his camp without further delay. The two Mahratta chiefs invented expedients for preventing the departure of the Resident, and at the same time evaded his endeavours to obtain a declaration of their designs. At length, on the 4th of

pensably calls for, and is calculated for the prosperity of the country, shall, with a due attention to the complexion of the times, be maturely devised and executed." This letter was, of course, communicated to the British government, and Lord Wellesley again, on the 22nd of May, addressed the Berar Raja to express his surprise and disappointment at learning so plain an avowal of an intention to form a confederacy for the subversion of the arrangements concluded with the Peshwa. He also apprized the Raja, that any advance into the territories of the Nizam, would be considered as an act of hostile aggression; exhorted him earnestly to return peaceably into his territories, and distinctly intimated that the question of peace or war between the two states, depended entirely upon the Raja's conduct. The interview that followed was, therefore, most unequivocally an act of defiance, and equivalent to a declaration of war. Despatches, iii. 104, and App. 661.—W.

[1] Narrative, ut supra, p. 166, 323.

July, he obtained an audience of both together in the tent of the Raja of Berar. He entertained them with the old story — "That the treaty of Bassein" (I quote the words of the Governor-General, as combining his authority with that of his agent) "contained no stipulation injurious to the rights of any of the feudatory Mahratta chieftains; but, on the contrary, expressly provided for their security and independence — That the Governor-General regarded the Raja of Berar, and Sindiah, as the ancient friends of the British power; and was willing to improve the existing connexion between their states and the British government — That the British government only required a confirmation of the assurance made by Sindiah, that he had no intention whatever to obstruct the completion of the engagements lately concluded at Bassein, together with a similar assurance on the part of the Raja of Berar — And that it was the earnest desire of the Governor-General to promote the prosperity of the respective governments of Dowlut Rao Sindiah, and the Raja of Berar; so long as they refrained from committing acts of aggression against the English and their allies."

The Mahratta chiefs did not think proper to make any remarks upon the assertions and argumentation of the British Resident. They contented themselves with declaring, through the mouth of the Berar minister, by whom on their part the discourse was principally held, that it was the duty of the Peshwa to have consulted with them as chiefs of the Mahratta state, before he concluded a treaty which so deeply affected the interests of that state; and, moreover, that they had a variety of observations to make upon the stipulations, themselves, of the treaty of Bassein. The British minister insisted, as he had done so frequently before, on the right of the Peshwa to make a treaty for himself; but, with regard to the observations proposed to be made upon the several articles of the treaty of Bassein, he requested they might be committed to writing, and submitted to the consideration of the Governor-General.

Notwithstanding these allegations of grounds of complaint, the Mahrattas re-affirmed their sincere disposition to cultivate the friendship of the British government; declared that they had no design whatever to oppose any

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engagements with it into which the Peshwa might have entered; and promised that their armies should neither advance to Poonah, nor ascend the Adjuntee Ghaut, across the mountainous ridge which separated their present position from the frontier of the Nizam. Remarking, however, that the British troops had crossed the Godaveri river, and were approaching the Adjuntee Ghaut; they requested that Colonel Collins would use his endeavours to prevent their advance. The Colonel replied that it was incumbent upon Sindiah to lead his army across the Nerbudda, and the Raja of Berar to return to Nagpoor, if they wished their actions to appear in conformity with their pacific declarations; and in that case, the British army, he doubted not, would also be withdrawn.[1]

On the 14th of July, General Wellesley addressed a letter, couched in respectful terms, to Dowlut Rao Sindiah, setting before him the reasons which the British government had to consider his present menacing position an indication of designs, which would render it necessary to act against him as an enemy, unless he withdrew his army across the Nerbudda; but making at the same time the correspondent offer, that, as soon as the Mahratta chiefs should lead back their armies to their usual stations, he would also withdraw from its advanced position the British army under his command.

A conference on the subject of this letter took place between the chieftains on the 21st of July. To a note, the next day addressed by the Resident to Dowlut Rao Sindiah, requesting an answer to the letter of General Wellesley, no reply was returned. The Resident received the General's instructions to urge them once more on the separation of their armies; and received an appointment for a conference with Sindiah on the 25th. On this occasion he was told, "that the forces of Sindiah and the Raja of Berar were encamped on their own territories; that those chieftains had solemnly promised not to ascend the Adjuntee pass, nor to march to Poonah; that they had already given to the Governor-General assurances in writing, that they never would attempt to subvert the treaty of Bassein, which assurances were unequivocal proofs of their amicable intentions; lastly, that the treaty

[1] Narrative, ut supra, p. 324.

at that time under negotiation between Sindiah and Holkar was not completely settled; and that until it should be finally concluded, Dowlut Rao Sindiah could not return to Hindustan." The Resident remarked, that, as the actual position of the Mahratta armies could afford no advantage to their respective sovereigns, unless in the event of a war with the British power, the British government could not conclude that the determination of these sovereigns to keep their armies in such a position was for any other than a hostile purpose; and that, for the negotiation with Holkar, Boorhanpore was a much more convenient situation than the frontier, so much more distant, of the British ally. After much discussion, the 28th was named, as the day on which the Resident should receive a decisive reply. The 28th was afterwards shifted to the 29th; the Resident threatening to depart, and making vehement remonstrance against so many delays. The interview on the 29th was not more availing than those which preceded. The Resident sent forward his tents on the 30th, intending to begin his march on the 31st, and refused to attend a conference to which he was invited with Sindiah and the Raja of Berar. As he was prevented, however, from setting out on the 31st, by the heaviness of the rain, he complied with a request from both chieftains to meet them on the evening of that day at the tents of the Raja of Berar.

After the usual topics were once more gone over, the Mahratta chieftains offered the following proposition: that the forces of the Raja and of Sindiah should, in conjunction retire to Boorhanpore; while the British General should withdraw his troops to their usual stations. As these respective movements would leave to the Mahratta chieftains nearly all their present power of injuring the British state, while they would deprive the British government of the security afforded by the present position of its troops, the Resident assured them that a proposition to this effect could not be received.

The Princes made a second proposal. That the Resident should fix a day, on which both the Mahratta and the British armies should begin to withdraw to their respective stations. Beside that the Resident had no power to engage for the movements of the British army, he plainly

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gave the Princes to understand, that their promise about withdrawing their armies was not sufficient security for the performance.

They lastly offered to refer it to General Wellesley, to name a day on which the British troops, and theirs, should begin their march; to name also the time at which he thought the British troops might reach their usual stations, when they too would so regulate their marches as to arrive at their usual stations at the same precise period of time. If this proposition was rejected, they said they could not retire without an injury to the honour and dignity of their respective governments.

The Resident consented to postpone his departure, till time was given for referring the last proposition to General Wellesley; but required, as a condition, that the letters to that effect should be with him for transmission before noon of the following day. The letters came; submitting for decision, however, not the last, but the first, of the three propositions which had been previously discussed. Observing this coarse attempt at more evasion and delay, this officer made immediate arrangements for quitting the camp of Dowlut Rao Sindiah, and commenced his march towards Aurungabad on the 3rd of August.[1]

Aware of the great unpopularity in England to which wars in India, except wars against Tippoo Sahib, were exposed; aware also of the vast load of debt which his administration had heaped upon the government of India, a load which a new and extensive war must greatly augment, the Governor-General has, in various documents, presented a laboured argument to prove, that the appeal to arms now made by the British government was forced, and altogether unavoidable.[2] It may be requisite, as far as it can be done with the due restriction in point of space, to show how far his arguments are supported by the facts.

When Dowlut Rao Sindiah and the Raja of Berar united their armies, under circumstances so warlike and in a position so threatening, as those of the union which took

[1] Governor-General's Narrative, Ibid. p. 327—331; Notes relative to the late Transactions in the Mahratta Empire, Ibid. p. 226—230; Letter from Governor-General in Council to the home authorities, dated 25th of September, 1803, Ibid. p. 170—176.—M. See also Despatches, iii. 159, 170, 236.—W.

[2] In his Narrative, ut supra, p. 331; Notes, ut supra, p. 230; Despatch of the 23th of September, 1803, ut supra, 176.—M.
Despatches, iii. 330.—W.

place on the borders of Nizam Ali's dominions in 1803; and when the English, should they begin to act in the rainy season, would enjoy important advantages, of which, if they left the enemy to begin operations in the dry season, they would be deprived, it will hardly be denied that the English had good reasons for commencing hostilities, if no other expedient could be devised to procure the dispersion of those armies, the position of which created that danger, which it was the professed object of the war to avert.

Still, however, two questions will remain, both of which must be clearly and decisively answered in the negative, to make good the Governor-General's defence. In the first place, allowing the necessity of war in August, 1803, to have been ever so imperative, was it, or was it not, a necessity of that Governor's own creating, a necessity of whose existence he alone was the author, and for which it is just that he should be held responsible? In the next place, were the objects, on account of which this necessity was created, equal in value to the cost of a war? In the last place, was it true, that the alleged necessity existed, and that no expedient but that of war could avert the danger which the new position of the two Mahratta chieftains appeared to involve.

The answer to the first of these questions will not require many words. The necessity, whatever it was, which existed for war at the time when hostilities commenced, was undoubtedly created by the Governor-General himself. The proof is so obvious, that hardly does it require to be stated in words. That necessity was created by the treaty of Bassein; and the treaty of Bassein was the work of the Governor-General. The Governor-General had no apprehension of war, either on the part of Sindiah, or of the Raja of Berar, previous to the treaty of Bassein, as is proved by all his words and all his actions. If we are to believe his solemn declarations, he had little apprehension of it, even after the treaty of Bassein, nay till six weeks before the declaration of war.

For believing that, but for the treaty of Bassein, war, either on the part of Sindiah, or of the Raja of Berar, was in no degree to be apprehended by the British government, the current of the history, the circumstances

and character of those Princes, and even the succeeding results, prove that he had sufficient and superabundant reasons. Undoubtedly those reasons must have been strong, when they sufficed to convince the Governor-General, even after these Princes had received all the alarm and provocation which the treaty of Bassein was calculated to produce, that they would yet be deterred from any resistance to the operation of that treaty, by the awful chances of a conflict with the British power. The weakness of which these Princes were conscious, as compared with the British state, was the first solid ground of the Governor-General's confidence. The extremely indolent and pacific character of the Raja of Berar was another. Unless in confederacy with the Raja of Berar, it was not to be apprehended that Sindiah would venture upon a war with the British government; and scarcely any thing less rousing to his feelings than the treaty of Bassein would have induced that unwarlike Prince to form a confederacy with Sindiah, in defiance of the British power. As for Holkar, it was the weakness of Sindiah which made him any thing; and the united force of both, if, without the treaty of Bassein, it would have been possible to unite them, would have constituted a feeble source of danger to the British state.

The treaty of Bassein, therefore, as it was the cause assigned by these Princes themselves for their union and the warlike attitude they had assumed, so it will hardly admit of dispute that it was the real cause. The Governor-General himself, when he came at last to the endeavour of making out as strong a case as possible for the necessity of drawing the sword, exhibits reasons which operated both on Sindiah and the Raja of Berar, for going to war on account of the treaty of Bassein, reasons which, to men of their minds, he seems to represent as little less than irresistible. "The conduct," says he, "of Dowlut Rao Sindiah towards the Peshwa, during a long course of time antecedent to the Peshwa's degradation from the musnud of Poonah, and the views which that chieftain, and the Raja of Berar are known to have entertained with respect to the supreme authority of the Mahratta state, afford the means of forming a correct judgment of the motives which may have rendered those chieftains desirous

of subverting the treaty of Bassein." Of these views he then exhibits the following sketch. "The whole course," says he, "of Dowlut Rao Sindiah's proceedings, since his accession to the dominions of Madajee Sindiah, has manifested a systematic design of establishing an ascendancy in the Mahratta state upon the ruins of the Peshwa's authority." After adducing a number of facts in proof of this proposition, he draws the following conclusion: "The actual re-establishment of the Peshwa in the government of Poonah, under the exclusive protection of the British power, and the conclusion of engagements calculated to secure to his Highness the due exercise of his authority on a permanent foundation, deprived Dowlut Rao Sindiah of every hope of accomplishing the objects of his ambition, so long as that alliance should be successfully maintained. This statement of facts sufficiently explains the anxiety of Dowlut Rao Sindiah to effect the subversion of the treaty of Bassein, and his prosecution of hostile designs against the British government."[1] "The motives which must be supposed to have influenced the Raja of Berar, in combining his power with that of Dowlut Rao Sindiah, for the subversion of the alliance concluded between the British government and the Peshwa, were manifestly similar to those which actuated the conduct of Dowlut Rao Sindiah. The Raja of Berar has always maintained pretensions to the supreme ministerial authority in the Mahratta empire, founded on his affinity to the reigning Raja of Sattarah. Convinced that the permanency of the defensive alliance, concluded between the British government and the Peshwa, would preclude all future opportunity of accomplishing the object of his ambition, the Raja of Berar appears to have been equally concerned with Dowlut Rao Sindia in the subversion of that alliance."

The Governor-General subjoins a reflection, actually founded upon the improbability there was of a union between those Princes, till the treaty of Bassein gave them

[1] In transcribing these words, I have left out three expressions, two of vague reprobation which the Governor-General bestows upon the actions of Sindiah, and one of applause which he bestows upon his own, because they have only a tendency to substitute the opinion of the Governor-General upon these points, for the opinion which the pure facts may suggest; and I have so altered another of the expressions as to render it grammatical.

so extraordinary a motive. "Although the views ascribed to those chieftains," says he, "were manifestly incompatible with the accomplishment of their respective designs; the removal of an obstacle which would effectually preclude the success of either chieftain, in obtaining an ascendancy at Poonah, constituted an object of common interest to both."

The Governor-General then states his conjecture of the mode in which the treaty of Bassein induced them to reconcile their conflicting interests. "It appears," he says, "to be chiefly probable, that those chieftains, sensible that the combination of their power afforded the only prospect of subverting the alliance concluded between the British government and the Peshwa, agreed to compromise their respective and contradictory projects, by an arrangement for the partition of the whole power and dominion of the Mahratta state."[1]

The circumstances on which these conclusions are founded were all as much known to the Governor-General before, as after he concluded the treaty of Bassein. He was, therefore, exceedingly to blame, if he formed that agreement, without an expectation, approaching to a full assurance, that a war with the power of Sindiah and the Raja of Berar, if not also (as might have been expected) with that of Holkar combined, would be a part of the price which the British state would have to pay for the advantages, real or supposed, of the treaty of Bassein.[2]

[1] See Governor-General's Letter, ut supra, p. 179, 180: Narrative, ut supra, p. 331, 332.

[2] It is admitted in a preceding page, that, according to the Governor-General's solemn declarations, he had little apprehension of war, even till a few weeks before the declaration of it: he had, therefore, no expectation, approaching to a full assurance, that hostilities would be the consequences of the treaty of Bassein. Then, says our author, "he was exceedingly to blame; because the circumstances on which he accounted for the eventual occurrence of the war, must have been known to him as well before, as after, he concluded the treaty of Bassein." It is one thing, however, to discover motives for actual conduct, and another to anticipate their existence; it is also far from a necessary conclusion, even when motives may be suspected, that they will be followed by acts, especially when it is obvious that other motives, equally or still more cogent, must exist, by which the former may be neutralized, and that the acts are so obviously impolitic as to render it probable that they will not be perpetrated. That the interference of the British, in behalf of the Peshwa, might be distasteful to the principal Mahratta chiefs, may have been little doubted, but it could scarcely have been deemed of sufficient intensity to instigate actual hostilities, particularly when such a result was incompatible with all rational policy. It was thought likely that Sindiah would know his strength rather than to hazard a contest with the British government; that the Raja of Berar, beside his inactive temperament, had inte-

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The question, then, or at least one of the questions, to which he should have applied the full force of a sound reflection, equally free from oversight or prepossession, was, whether the benefits, which could reasonably be expected from the treaty of Bassein, were a full compensation for the evils ready to spring from the wars to which it was likely to give birth: on the contrary, if he allowed his mind to repel from itself, as faras possible, all expectation of the expensive and bloody consequences likely to issue from the treaty; and, fixing his attention almost exclusively upon the advantages painted in his imagination, decided upon what may be regarded as a hearing of only one side, that the treaty ought, if possible, to be made, he pursued a course which, in the management of public affairs, is indeed most lamentably common, but which on that account only deserves so much the more to be pointed out to the disapprobation of mankind.

The discussion of a question like this requires the use of so many words, because it imports a reference to so many particulars, that it would produce an interruption incompatible with the due continuity of a narrative discourse. It may, notwithstanding, have its use to point out merely the paths of inquiry.

To them, on whom, in this instance, peace or war depended, it belonged to ask themselves, whether the act of grasping at a new set of advantages, in relation to other states, which act it is pretty certain that those states, or some of them, will hostilely resent, does not constitute

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rests opposed to those of Sindiah, which rendered their union improbable; and that, even should it take place, and Holkar be joined with them, the confederates would still be too doubtful of their strength to risk the encounter. That these Mahratta chiefs had no real grievance to complain of, that the treaty of Bassein encroached not on their territories or their legal authority, and that whatever obstacle the English alliance might oppose to their unjustifiable pretensions, the cost and danger of removing it by an appeal to arms, would be so much more than equivalent to any possible advantages to be attained, were reasons authorizing the conclusion that the absurdity of hostile collision would be too obvious to the understanding of princes, not devoid of political sagacity or knowledge, to permit of their adopting such a line of policy. The Governor-General was mistaken in supposing that the Mahratta princes attached due weight to those considerations, but they were sufficiently palpable to justify him in believing that they would not have been disregarded, and that they would have formed a counterpoise to feelings of personal mortification and disappointment sufficient to have prevented the actual occurrence of war. He was not, therefore, exceedingly to blame in entertaining expectations, approaching to full assurance that the treaty of Bassein would not be followed by hostilities.—W.

the war, a war of aggression, on the part of the state which wilfully performs the act out of which it foresees that war will arise. A war, which is truly and indisputably defensive, is a war undertaken in defence, that is, to prevent the loss of existing advantages. And though a state may justly assert its rights to aim at new advantages, yet, if it aims at advantages which it cannot attain without producing a loss of existing advantages to some other state, a loss which that state endeavours to prevent with a war, the war on the part of the latter state is truly a defensive, on the part of the other is truly an aggressive, and, in almost all cases, an unjust war.

The Governor-General is so far from denying that the treaty of Bassein did import the loss of advantages to Sindiah, that we have just heard him enumerating the advantages of which it deprived that Mahratta chief; advantages on which it was natural for him to place the highest possible value; the power, as he imagined, of establishing his controlling influence over the Peshwa, and, through him, over the whole or the greater part of the Mahratta states.

Many times is the answer of the Governor-General repeated in the documents which he has liberally supplied. These advantages, he cries, on the part of Sindiah, existed only for purposes of injustice; his complaints are, therefore, to be treated with indignation.

The man who carefully visits the sources of Indian history, is often called to observe, and to observe with astonishment, what power the human mind has in deluding itself; and what sort of things a man can pass upon himself for conclusive reasoning, when those against whom his reasoning operates are sure not to be heard, and when he is equally sure that those to whom his discourse is addressed, and whom he is concerned to satisfy, have all the requisites for embracing delusion; to wit, ignorance, negligence, and, in regard to the particulars in question, a supposition, at the least, of concurring, not diverging interests.

It is truly surprising, that the object, which is marked by the Governor-General as the most profligate ambition, and the most odious injustice, cruelty, and oppression, in Dowlut Rao Sindiah, to aim at, is the same object, exactly,

at which he himself was aiming, with so uncommon a degree of ardour and perseverance, and at the expense of so many sacrifices. The object, incontestably, at which both were aiming, was an all-controlling influence over the Peshwa, and through him, as far as possible, over the other Mahratta governments. As far, then, as concerned the object of pursuit, the coincidence is complete, manifest, and indubitable, between the ambition of Sindiah, and the ambition of the Governor-General. Wherein, then, did the ambition of these two leaders differ, so as to entitle the Governor-General to cover the ambition of Sindiah with the epithets most expressive of the disapprobation and abhorrence of mankind, his own with epithets the most expressive of their approbation and favour? One mighty difference there was; that the one was the Governor-General's own ambition, the other that of another man; and a man the gratification of whose ambition in this instance was incompatible with the gratification of his. Another difference, which would be felt where it was desirable for the Governor-General that it should be felt, was, that the benefits, which were said to be great, arising from the accomplishment of this object of the Governor-General's ambition, were to be English benefits. From the accomplishment of the same object of Sindiah's ambition would arise nothing but the prevention of these English benefits. Under this mode of viewing the question, however, it cannot be disguised, that Sindiah would have the same grounds exactly for applying epithets of applause to his own ambition, and of abuse to that of the Governor-General.[1]

But differences, such as these, are more frequently the

[1] There is one important difference in the relations in which the English and Sindiah stood to the Peshwa, which is wholly overlooked in this argument; the different mode in which they prosecuted the objects of their, be it admitted, equal ambition. The English acted with the professed acquiescence of the Peshwa; Sindiah notoriously in his despite. The English placed the Peshwa on his throne, and kept him there, and allowed him the independent enjoyment of extensive authority; Sindiah occupied Poonah with an almost hostile force; compelled the Peshwa to submit entirely to his will, and was yet unable to protect him against his enemies. The English did not march to Poonah to hold the Peshwa in subjection; the Peshwa fled to them, and was glad to resume his principality under the shadow of their banners. Admitting, then, that the establishment of British control at Poonah was the result of the Governor-General's ambition, that ambition differed from Sindiah's in seeking to effect its objects by gentle, not by violent means; with the concurrence, not in defiance of, those over whom it aspired to rule.—W.

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grounds of action in human affairs, than acknowledged, or even known, to be so; since nothing is more easy for the greater part of men, than to be ignorant of the motives by which they are actuated, and, while absorbed in the pursuits of the most vulgar and selfish ambition, to be giving themselves credit for the highest virtue, before the tribunal of their own consciences. What then will be said? That of this controlling power, at which Sindiah and the English both of them aimed, Sindiah would make a bad use, the English a good one? If one ruler has a title to make at his pleasure this assumption in his own favour, so has every other ruler; and a justification is afforded to the strong, who are always in the right, for extending, as far as they please, their oppressions over the weak.

If we should allow, that the English government would make a better use of new power than a native one, as it would be disgraceful to think it would not, the reason would go further than the Governor-General would wish; for upon this reason not one native government should be left existing in India.

But beside this; what is it that we are precisely to understand by a better use: is it a use better for the English? Or a use better for the English and Mahrattas both? This latter assertion is the only one which it would answer any purpose to make; meaning, in both cases, the people at large, not the handful of individuals composing the government, whose interests are worth no more than those of any other equally minute portion of the common mass.

That the use of it, on the part of the English, would be good even for themselves, was so far from being a decided point, that all connexions of the same description stood condemned and forbidden, by a memorable clause of that very act of parliament on which the government of the East India Company rested, and of which, by consequence, the treaty of Bassein was a flagrant violation. By how many of the Court of Directors, not to speak of other classes of men, it was condemned as injurious to British interests, we shall afterwards have occasion to observe.[1]

[1] The condemnation of the principle of the extension of the British power in India by the Court of Directors, and by the Parliament, was much too phi-

But whatever the effects in regard to the English, unless it appear that the control over the Peshwa and the Mahratta states, which was equally the object of ambition to Sindiah and the Governor-General, would have been attended with worse consequences to the Mahrattas, if in the hands of Sindiah, than if in the hands of the English, it will be difficult to show in what respect the ambition of Sindiah was selfish and wicked ; that of the English full of magnanimity and virtue. In what respects then were the people of the Mahratta states to be the better for the control of the English ? Not as regarded oppression at the hands of their several and respective governments ; for, in regard to the treatment which those governments might yield to their subjects, the English were ready to bind themselves not to interfere ; and we have seen, in the case of the Nabobs of the Carnatic and of Oude, that the motives of misrule in the native governments, upheld by British power were not diminished ; but increased a hundred fold.

The grand benefit held out by the Governor-General is, that the Mahrattas would be withheld from war. But this, if foreign war is meant, the Mahrattas had always regarded, and except in a few instances, had always found, a source of benefit, rather than harm. If internal wars are meant, these, it is plain, would be as effectually prevented, if the control of Sindiah, as if that of the Eng-

losophical to be of any practical applicability to the mingled character of human occurrences. It might have had some credit for benevolence, if there was not reason to believe that it was prompted, in some degree, by party and personal feeling. It is not entitled to commendation for foresight, as events have shown it to be idle : and it deserves not the character of wisdom, for it was irreconcileable with the whole position of the English in India. The very foundation of a political power involved the consequence of extension : an empire, once planted in India, must either have been soon rooted up, or it must have continued to grow. The sagacity of Clive foresaw the necessity, and he had told the public that it was impossible to stop. We were in a situation in which we must either go forward or backwards ; our whole progress was one of aggression, and it is much less easy to defend our being in India as a political power at all, than to justify our engrossing all the political power of the country. Once there, as rulers and princes, it was for the honour and profit of Great Britain that we should be paramount. It is not necessary here to advocate the extension of British power as conducive to the benefit of India. What statesman or historian will venture now to affirm that the extension of the British Indian empire has not been advantageous to Great Britain. Every step of advance made in India has opened new fields to British industry ; has added largely to British capital ; has augmented our population and wealth, and has extended the resources, whilst it has elevated the reputation of the ruling state.—W.

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lish, became complete over all the Mahratta states:[1] and Sindiah, had he been as skilful a rhetorician as the English rulers, would, as gairishly as they, have described the preventing of internal war, and the union and tranquillity of the Mahratta powers, as the grand, the patriotic, and virtuous aim of all his thoughts, and all his actions.

But this is not all. Not only did Sindiah lose advantages, in respect to a favourite object of ambition, which was exactly the same object, by the gaining of which the English had deprived him of those advantages; but, if he had been the greatest lover of peace and justice of all the princes upon the face of the earth, he would still have had the greatest reason to resent the formation of the treaty of Bassein, and to resist to the utmost its execution. What is that, on the strength of which we have already seen the Governor-General boasting of the prodigious value of the treaty of Bassein? Not the circumstance of its having made a dependant of the feeble and degraded Peshwa. This in itself was a matter of little importance. The treaty, for receiving the British troops, concluded with one of the chief Mahratta states, was declared to be valuable, because it afforded a controlling power over all the other governments of the Mahratta nation.[2] And

[1] The benefits of British supremacy, as far as the people of any Indian state are affected, is a very different question from the advantages to Great Britain. The results are of a more mingled nature; many are evil, but the good, perhaps, predominate, at least we would wish to hope so. In this particular instance, however, the argument confined to the suppression of internal war amongst the Mahrattas is easily answered, as it turns upon an impossible condition. If the control of Sindiah became as complete over the Mahratta states as that of the English, internal wars would be as effectually prevented. That Sindiah could not acquire such control was clear: he had tried it and failed; he had been baffled by a rival who commenced his career with seven horsemen. Holkar, at one time little better than a petty freebooter, had driven Sindiah and the Peshwa from Poonah; what guarantee of internal tranquillity could the power of Sindiah afford?—W.

[2] The following are some of the Governor-General's expressions: "If the negotiation shall prove successful, there is reason to expect that it will promote the complete accomplishment of the general system of defensive alliance, by inducing the other Mahratta powers to concur in the proposed arrangement—with a view to avoid the dependent and subordinate condition to which they must be reduced by their exclusion from an alliance of which the operation, with respect to them, must be, to control all ambitious views and aggressive designs on their part, without affording to those powers the benefit of the general guarantee." (Narrative, ut supra, p. 10.)—"The same conveyance will furnish you with a detail of the negotiations conducted by the Resident at Poonah, under my authority, with the view to the accomplishment of the important object of comprehending the Mahratta states in the general system of defensive alliance with the Honourable Company and its allies, on the basis of the treaty concluded with his Highness the Nizam, in the month of October, 1800." (Ibid. 29)—"The intimate connexion with the Peshwa, on principles

what is meant by a controlling power? The power, undoubtedly, of preventing them from doing whatever the English government should dislike. But the state, which is prevented from doing whatever another state dislikes, is in reality dependent upon that state; and can regard itself in no other light than that of a vassal. If the loss of independence, therefore, is a loss sufficient to summon the most pacific prince in the world to arms, Dowlut Rao Sindiah, and the Raja of Berar, had that motive for offering resistance to the treaty of Bassein.

It will not weaken the argument, to say, that the Governor-General was deceived in ascribing these wonderful powers to the treaty of Bassein; because it was not surely unnatural in the Mahratta princes to apprehend that which the Governor-General hoped, and to do what lay in their power to prevent it.

It was idle, too, in the Governor-General unless for the sake of immediate effect upon the minds of his ministerial and directorial masters, to which it was not ill-adapted, to declare so often, and with so much emphasis, that Sindiah himself was unable to show wherein he was injured by the treaty of Bassein, and could not deny that his rights continued unimpaired. What then? Because Sindiah and his ministers were far less skilful than the Governor-General in the use of language; had objections to the treaty of Bassein which they did not think it politic to acknowledge; knew not how to separate the objections they might wish, from those they did not wish, to avow; and agreeably to the rules of Eastern etiquette, which never in general terms condemns, but always approves of, every thing proceeding from the will of a superior, did, in general courtesy, when urged and importuned upon the subject, apply a vague negation of injustice to the treaty of Bassein; does that hinder it from being now clearly seen that the treaty of Bassein had an operation injurious to that prince,

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calculated to secure to him the constant protection of the British arms, could not be formed, without at the same time establishing our ascendancy in the Mahratta empire." (Ibid. 34,)—In the next page (35) he calls it "that degree of control and ascendancy, which it must be our interest to establish in the Mahratta state, and which it is his object to avoid."—"The Peshwa is aware, that the permanent establishment of a British force in the neighbourhood of Poonah, would immediately place him, in some degree, in a state of dependance upon the British power." (Ibid.)

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an operation which the Governor-General regarded as the great source of all the good which it was expected to produce?[1]

One thing, indeed, is to be considered, that in a great part of all that is said by the Governor-General, it is pretty distinctly implied that to render the Indian princes dependent upon the British government was not an injury to them, but a benefit. If this were allowed to be true; and if it were possible, in other indulgences, to make up to a prince for the loss of his independence; yet, in such cases, the consent of the prince in question would seem a requisite, even were his subject people, as they usually are, counted for nothing; because, if any ruler, who has the power, may proceed to impose by force this kind of benefit upon any other ruler at his pleasure, this allegation would prove to be neither more nor less than another of the pretexts, under which the weak are always exposed to become the prey of the strong.

In the only objections which Dowlut Rao Sindia and the Raja of Berar explicitly produced to the treaty of Bassein, it must be owned they were not very happy. Sindiah observed, that he was guarantee of the treaty which was in force between the British and Poonah governments at the period when the treaty of Bassein was depending. And both princes affirmed, that the Peshwa, as a member of the Mahratta confederacy, ought not to have concluded a treaty but with consent of the leading chiefs of whom the confederacy was composed.

With regard to the first of these pleas, the answer of the Governor-General was conclusive. When a compact is formed between two parties, the office and duty of a guarantee is, to hinder one of the parties from neglecting, while the other fulfils, the obligations which it imposes. He is not vested with a right to hinder them from mu-

[1] The pains taken in the text to show that Sindiah had reason to be dissatisfied with the treaty of Bassein are very superfluous. Undoubtedly he had, but he was not the principal party to be consulted. The question at issue was the restoration of the Peshwa, the nominal, and until lately, the actual head of the Mahratta confederacy. As a former ally, a friendly potentate, he had a right to the good offices of the English; he had called for them, and they were granted on conditions unquestionably beneficial to the English, and in intention, at least, beneficial to the Peshwa. It would have been a base abandonment of positive obligations, as well as an improvident rejection of advantages, to have withheld all assistance from the Peshwa, through dread of Sindiah's displeasure, or apprehension of his power.—W.

tually annulling the obligations, if both of them please. It was not by the dissolution of the treaty of Salbye, nor in his capacity of its guarantee, it was by the formation of the treaty of Bassein, and his capacity of a sovereign prince, that Sindiah was injured, if injured at all.

In the answer of the British ruler to the second of those pleas, there is something which will require rather more of development. That the Peshwa had a right to conclude the treaty of Bassein, without consulting any of the Mahratta princes, makes a great figure among the arguments of the Governor-General. The idea of a confederacy does not imply that a member shall make no separate engagement, only no separate engagement which in any respect affects the confederacy. The Governor-General truly affirmed, that there was nothing in the treaty of Bassein, which affected the Mahratta confederacy, that is, directly; though it was not less true, that, indirectly, it dissolved it. The Governor-General calls the other Mahratta princes, as distinct from the Peshwa, "the feudatory chieftains of the empire," though feudality is a sort of bondage which never had existence in any part of the world, but in Europe in the barbarous ages. And under this fiction, he proceeds so far as to say, "it may be a question, whether the Peshwa, acting in the name and under the ostensible sanction of the nominal head of the empire;" (that is, by the right of a gross and violent usurpation, and in the name of a man whom he kept a degraded, wretched, and hopeless prisoner;) "might not conclude treaties which should be obligatory upon the subordinate chiefs and feudatories, without their concurrence."

The Governor-General proceeds to speak a more rational language, in the words which immediately follow. "But," says he, "it would be absurd to regulate any political question, by the standard of a constitution, which time and events have entirely altered or dissolved. The late Maharajah Sindiah and Dowlut Rao Sindiah, have uniformly exercised the powers of independent dominion — by making war on the neighbouring states, by concluding engagements with them, and by regulating the whole system of their internal administration — without the participation, or previous consent of the Peshwa, whose supremacy,

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however, both Maharajah Sindiah and Dowlut Rao Sindiah have uniformly acknowledged; Dowlut Rao Sindiah, therefore, could not — even on the supposed principles of the original constitution — deny the right of the Peshwa to conclude his late engagements with the British government, without impeaching the validity of his own proceedings, and those of his predecessor. Nor could he — according to the more admissible rules, derived from practice and prescription — justly refuse to admit the exercise of these independent rights of dominion, on the part of the Peshwa, which both Sindiah and his predecessor assumed, in a state of acknowledged subordination to his Highness's paramount authority."[1]

The observation is emphatically just. It is the weakness of pedantry, or the villany of imposture, to affect to "regulate any political question by the standard of a constitution;" when, however, the name may remain as it was, the thing is wholly or materially altered. And the inference is conclusive, that, if Sindiah and his predecessor had a right to adopt, without reference to the other states, what measures they chose in regard to foreign policy, so had the Peshwa; if it was not unlawful in the Peshwa, it had in them been heretofore unlawful. In his anxiety, however, to uphold the fiction of a feudal superiority in the Peshwa, the Governor-General uses a language almost contradictory, when he says, both that Sindiah and his predecessor had "uniformly exercised the powers of independent dominion," and that they had "uniformly acknowledged the supremacy of the Peshwa:" the uniform exercise of the powers of independent dominion is the negation of all external supremacy. Besides, the word *supremacy* is a great deal too strong to express the sort of relation which the Peshwa ever bore to the rest of the Mahratta rulers. It imports, as borrowed from European affairs, a combination of ideas, which represents not any thing which ever existed in India; and, if employed as an accurate representation of any thing which ever existed in India, is only calculated to mislead.

It is curious to observe with what assurance the Governor-General makes, and repeats again and again,

[1] Governor-General's Narrative, ut supra. Ibid. p. 319. Also the Governor-General's Instructions to the Resident with Dowlut Rao Sindiah. Ibid. p. 129.

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the assertion, that "the treaty of Bassein not only offers no injury to the independance of the feudatory Mahratta chiefs; but expressly provides additional security for it."[1] The treaty was so worded, as not, in its terms, to contradict such an assertion. But what sort of a conduct is this? Does it justify the attempt to pass upon the belief of other men a proposition, if it is true only in sound, how great soever the difference between the sound and the substance?

The only article of the treaty of Bassein, which referred directly to the other states, was the 12th; according to which the Peshwa bound himself to make no war upon other states, and to submit all his differences with them to the English government. And to this it is that the Governor-General in his said declarations refers. But what was this except transferring the power of attempting to subvert the independence of the "feudatory Mahratta chiefs" from the Peshwa whom they did not fear, to the English whom they excessively feared? In this manner it was, that the treaty of Bassein afforded additional security for their independence?

But let us pass from the question, whether the Mahratta chiefs had or had not just reason for resenting the treaty of Bassein: and let us consider the question of English interests naked, and by itself. What benefits to that people was it calculated to yield? And those benefits, were they an equivalent for the evils which, as it did produce them, so it ought to have been expected to produce?

The Governor-General's own opinion of the good things likely to flow from the treaty of Bassein, is adumbrated in a great variety of general phrases, though they are exhibited nowhere in very distinct enumeration. We shall adduce a specimen of the more remarkable of his forms of expression, and endeavour, with as much precision as possible, to ascertain the particulars at which they point.

"The stipulations of the treaty of Bassein have been framed exclusively with a view to maintain the general

[1] For this specimen, see Governor-General's Narrative. Ibid. p. 318. See, too, p. 312. Also his instructions to the Resident, ut supra, p. 129; and the despatch, 25th September, 1803, commencing Ibid. p. 169.

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tranquillity of India, by preventing the destruction of the Peshwa's power, and by securing his just rights from violence and usurpation." [1]

"The object of Lord Wellesley's policy is to establish a permanent foundation of general tranquillity in India, by securing to every state the free enjoyment of its just rights and independence, and by frustrating every project, calculated to disturb the possessions, or to violate the rights of the established powers of Hindustan, or of the Deccan." [2]

"Every principle of true policy demands, that no effort should be omitted by the British government to establish a permanent foundation of general tranquillity in India, by securing to every state the free enjoyment of its just rights and independence, and by frustrating every project, calculated to disturb the possessions, or to violate the rights, of the established powers of Hindustan, and of the Deccan." [3]

"The conclusion of the treaty of Bassein promises to establish the British interests in the Mahratta empire, on the most solid and durable foundations; to afford additional security for the permanent tranquillity and prosperity of the British dominions in India, and to effectually exclude the interests and influence of France from the Mahratta empire." [4]

The object of the Governor-General, as he himself is fond of describing it, was, "A system of general defensive alliance between the British power and the several states of Hindustan." [5] This was indeed a great and operose scheme of policy. Equally great, however, were the effects which the Governor-General expected from it; permanent tranquillity, as he thus declares, and justice, over the whole of India.

When the Governor-General, however, after ascribing these grand effects to the consummation of his proposed alliance, not with one, but with all, or most of the leading states of India, proceeds, in the warmth of his mind, to

[1] Governor-General's Narrative. Ibid. p. 312. [2] Ibid.
[3] Ibid. p. 303. [4] Ibid. p. 318.
[5] Instructions to Colonel Collins. Ibid. p. 8. See, too, his instructions to the Resident at Poonah, 22nd of November, 1802, where he describes it as a plan "to combine the principal powers of Hindustan in a general system of defensive alliance and guarantee." Ibid. p. 65. See also Governor-General's Narrative. Ibid. p. 307.

ascribe them all to the single treaty with the Peshwa, we find him practising a very ordinary fallacy, that is, predicating of a part, what ought to have been predicated only of the whole; as if, because the head, limbs, and trunk, constitute a man, it should be affirmed that the human foot is a rational animal.

It cannot bear to be affirmed, in a distinct proposition, that the mere addition of the inconsiderable power of the Peshwa gave the British government such a commanding and absolute power all over India as every where to secure justice and tranquillity; that is, to compel undeviating obedience to its commands on the part of every government on that continent.

Besides, if it were allowed, for the sake of argument, that such a proposition were capable of being maintained, it followed, that no general system of alliance was required; that an alliance with the Peshwa alone, exclusive of the rest of the Indian princes, accomplished simply all that was proposed to be accomplished, by the immense, and troublesome, and complicated machinery of alliances with all the princes in India. Why, then, did the Governor-General aim at any more?

It is reasonable, however, to suppose, that the Governor-General means, what he so often tells us that he means, namely, that the alliance with the Peshwa was to be considered as about to fulfil the hopes which he held forth, only in so far as it had a tendency to produce other alliances, from the union of which, all taken together, those great effects might be expected to proceed.

But what tendency, then, had the alliance with the Peshwa to produce other alliances of the same description? We have seen, already, in what manner the Governor-General and his agents *supposed*, that it would produce them. They supposed that it would place the British power in a situation to coerce completely the other Mahratta sovereigns; that is, to restrain them from every course of action of which the British government should disapprove; and that the Mahratta sovereigns, seeing the coercion unavoidable, would choose coercion with the benefit of having the British government bound to defend them, rather than coercion detached from that benefit.

Experience, in a very short time, demonstrated the

lacy of these expectations. The treaty with the Peshwa did not produce an alliance with any other of the Mahratta states whatsoever. It did not produce the tranquillity of all India. It produced one of the most widely extended wars which India had ever seen. If this war reduced the Mahratta princes to the necessity of submitting to the will of the conqueror, it was not the alliance with the Peshwa, but the war, by which that submission was produced; an effect which the same cause might have equally secured, if the treaty of Bassein had never existed. If it be said, that the treaty of Bassein produced the effects which the Governor-General applauds, by producing at any rate the war out of which they flowed; what is this, but to say, that the treaty of Bassein was good, only as creating a pretext for war; and that it was fit and proper to be made, for the mere purpose of creating it? But to perform a public act, with an intention to produce a war, is purposely to be the author of the war, only with a machination contrived to impose a contrary, that is, a wrong belief, upon the world.

The good things derived from the treaty of Bassein, must, then, be regarded as all summed up in these two effects; first, the war with the Mahratta chiefs; and, secondly, the means which it contributed to the success of the war. As to the war, if that was a good thing, it might have been easily produced without the treaty of Bassein. Therefore the treaty of Bassein deserves but little admiration or applause upon that account. As to the other question; namely, in what proportion it contributed to the success of the war, the Governor-General presents an answer on which he appears to lay the greatest stress. The treaty of Bassein was a contrivance to prevent the union of the Mahratta states. It is necessary, therefore, to inquire, how far the truth of this allegation extends.

The treaty of Bassein was calculated to withhold the Peshwa from any confederacy hostile to the English. It was so far from calculated to prevent, that it was calculated to produce, a confederacy hostile to the English of all the rest of the Mahratta states.

A very limited question thus remains to be answered; namely, how much the chance of the accession of the

Peshwa would add to the dangers arising from the chance of a confederacy, hostile to the English, among the other Mahratta states; and how much would those dangers be lessened, by the certainty of his absence? The item in the account, it is evident, is the power of the Peshwa; and, that being remarkably small, as the danger of a confederacy could not be greatly augmented by its presence, so it could not be greatly diminished by the reverse.

There is, however, a view of the danger, which is drawn by the Governor-General, in very frightful colours. He says, that either Sindiah or Holkar must have prevailed in the contest subsisting between them at the time when the treaty of Bassein was framed; that the successful prince, whoever it was, would have engrossed the power of the Peshwa; would thence have become too powerful to be resisted by any of the other Mahratta princes; would of course have subdued them all; and, uniting under his sceptre the whole power of the Mahratta nation, would have become a dangerous neighbour to the British state. From this danger it was delivered by the treaty of Bassein.

To make of this an argument in favour of the treaty of Bassein, two things must be allowed: it must be allowed that the danger held forth was such as it is represented; and it must be allowed that there was no better method of averting that danger. Both may be disputed. First, it is by no means certain, that the Mahratta state would have assumed a shape more formidable to the English, had the contending princes been left to themselves. It is not even probable. The probability is, that Sindiah and Holkar, neither being able to succeed to the extent of his wishes, would have been obliged to compromise their differences; and the Peshwa might have acquired rather more of power and independence, than he had previously enjoyed. But if Sindiah prevailed; as the greater power of that chieftain rendered it probable, if any of them prevailed, that he would be the successful contender; in what respect would his power be greater, than it was before Holkar appeared? At that time, he was master of the Peshwa; and yet so little had he increased his strength, that a mere adventurer was able in a few years to raise an army, an army against which he found it difficult to

contend. Sindiah possessed not talents to bind together the parts of an extensive dominion, as discordant as those of a Mahratta empire; and had he united the Holkar possessions, and even those of the Peshwa, to his own, he would have diminished, rather than increased, his efficient power. Experience showed that by the attention he was obliged to bestow in holding in obedience the Peshwa's dominions in the south, his authority became little more than nominal, over his own in the north.

It would be tedious to run over all the possible shapes into which, if left to themselves, the Mahratta states might then have fallen; but it may safely be affirmed that no shape which they had any chance to assume would have been so formidable to the English, as that into which they were thrown by the treaty of Bassein.

But if the reality of the danger, which the Governor-General thought he foresaw, were as well proved as it appears to stand unsupported by proof, it would still remain to inquire whether it might not have been averted by other and better means, than the treaty of Bassein. Had the mind of the Governor-General not been imperiously guided by his passion for "the system of general defensive alliance between the British power, and the several states of Hindustan," he might have interposed, with so much effect, in the character of an arbitrator, as to establish a balance in the Mahratta empire; and a balance, which it would have been easy for the British government to keep perpetually trimmed. He might have so terminated the subsisting disputes, as to make the power of Sindiah, of the Peshwa, Holkar, and the Raja of Berar, nearly equal. In the contests which would of course prevail among them, the British government, by always showing itself disposed to succour the weakest party, might have possessed a pretty complete security for maintaining the Mahratta empire, if there was any use in such a care, in the shape which it had thus been intentionally made to assume. Not only did the power of the British state enable it to interpose with a weight which none of the parties would have been easily induced to resist; but such was in fact the state and disposition of the parties, that they all appealed eagerly to the British government, and most earnestly solicited its interference.

The Governor-General, by rushing, with eyes fixed on nothing but the beauties of his "defensive system," to the conclusion of a treaty which gave to the British the government in fact of one member of the Mahratta state, and threatened in a most alarming manner the independence of all the rest, sacrificed the high advantage of acting as a mediator among the Mahratta princes, and created a confederacy which hardly any other combination of circumstances could have produced.

The Governor-General ascribes to the treaty of Bassein only one other advantage, of the importance of which it seems desirable that an estimate should be made; namely, the destruction of the French influence in the Mahratta state. In the first place, it was not the treaty of Bassein by which that destruction was produced; it was the war with Sindiah; and a war with Sindiah, if it had been worth a war, would have produced it without the treaty of Bassein. But, though what the treaty of Bassein did not produce was the destruction of the French influence, what the treaty of Bassein did produce was the union of Sindiah with the Raja of Berar, and the necessity, in order to accomplish that destruction, of vanquishing both of those princes together, instead of one.

The Governor-General, as suited his argument, and probably at that time his state of mind, represents the danger from French influence as prodigiously great. Not only does he affirm the power possessed by the French officers in the service of Sindiah, to have been highly alarming to the British government; but he holds it out as probable, that some of the contending parties in the Mahratta state would have solicited the aid of the French government, have received a French army from Europe, have prevailed over all its opponents, and so have established a great Mahratta empire, supported and governed by the French. Upon this theory of evil it will probably not be expected that I should bestow many words.

The influence of the French with Sindiah was at this time so far from great, that it was completely undermined, and tottering to its fall. So well aware of this was Perron, the officer at the head of the French party, that he had already intimated to the English an intention, which he soon after fulfilled, of withdrawing himself from the

Mahratta service. Not only Sindiah, but all his chiefs, had become jealous of the French to the highest degree. It was known to the English, that he meditated, and had already begun, a reduction of their power;[1] the English found, at the end of the war, that, instead of objecting to the condition which they proposed to him, of excluding the French from his service, he was eager to close with it; and there seems little room for doubt, that if the treaty of Bassein had not been concluded, the Governor-General might, if he chose, have made an arrangement with Sindiah for discharging the French, without the lamentable expense of war.[2]

But if the condition and influence of the French officers had much more nearly corresponded with the apprehensions of the Governor-General, it is high time that a more sober estimate of the danger, than hitherto they have been accustomed to make, should be suggested to him and to his countrymen. If the assertion were made, that it would not be in the power of the French officers to render Sindiah, or any native power, much more formidable than it would be without them, it would not be easy to refute that opinion. What renders the native sovereigns weak, is less the badness of their military officers, than the badness of their governments; and, under such governments, no officers can be very instrumental in the creation of strength. If the commanding officer has not land assigned for the maintenance of his troops, he is always without resources: if he has land he becomes a civil ruler; and the multiplicity and extreme difficulty of his civil functions leave little of his time for military cares. Besides, he has then an interest in peace; both because his country yields most when he is most attentive to it, and because his troops are more easily maintained at home than in the field. In the next place, to form a right judgment on this important subject, it is necessary duly to consider how many powerful causes must all be united, all operate in conjunction, to produce an efficient and formidable army. Of these, some of the most im-

[1] Col. Collins's Despatch. Ibid. p. 17, 18.

[2] The Governor-General himself was of this opinion, when he first sent Colonel Collins to the camp of Sindiah, with an expectation that he would not only dismiss the French officers, but accept the English subsidiary force; that is, give up his military power entirely to the English.

portant are incapable of existing in the armies officered by Europeans in the service of the native princes of India. Allowing, what never would happen, that the physical requisites of an army were all provided, and bearing in mind that all the efficiency of these requisites depends upon the sort of machine which the officers, considered as an organized body, compose, the reader will easily perceive, that of the causes necessary to render that machine a good one, some of the most important cannot, in the circumstances we are contemplating, ever be found. To give to a body of men, that most peculiar, that highly artificial, and, when contemplated by itself, most extraordinary turn of mind, which is necessary to convert them into an organ of life, of unity, of order, of action, and energy, to the animate and inanimate materials of an army, requires the utmost force of the legal and popular sanctions combined. But neither the legal nor the popular sanction can be made to operate with any considerable force upon Frenchmen, in such a situation as that of officers in the army of an Indian Prince. What is there, in such a situation, to restrain the operation of private views, arising from the love of money, or the love of power, from pique, from jealousy, from envy, from sloth, and the many thousand causes, which are always producing opposition among men when they are not under the operation of the strongest motives to resist them? Under a European government, it is not the power of the General, which produces that unity of will by which an army is animated. In general, his power would be far from adequate to so extraordinary an effect. The whole power of government, operating with unlimited command over the means both of reward and punishment; the whole force of the popular sanction, holding forth the hatred and contempt, or the love and admiration, of those among whom he is to spend his days, as the portion of every man who conforms, or does not conform, to what is expected of men in his situation, are not only added to the authority of the General, but, so difficult is the effect accounted, that, even when all these forces, operating together, produce it to any considerable degree, the world thinks that it never can express sufficient admiration, never bestow a sufficient portion of applause. Which

of these great, and indispensable powers, had any existence in the case of Perron, or any other officer, in a similar case? Upon his officers, it is plain, the popular or moral sanction had no means of operation. What cared they, what should be thought of them by the people of Sindiah's court or kingdom, as soon as it was more agreeable for them to be gone than to remain? What cared they for his punishments, when they had it in their power to make their escape from his dominions? A body of officers, in such a situation, is a rope of sand. The General who leads them is their slave; because he can retain their service only by pleasing them: he can seldom please one set of them, without displeasing another: and he dares not restrain their excesses; which produce two deplorable effects, the unavoidable loss of discipline, and the hatred, wherever he advances, of the people whom he is unable to protect. The chances, therefore, are innumerable, against the event, that an army, officered as that of Sindiah by Frenchmen, should ever become formidable to one officered as that of the British in India.

Of this truth, the Governor-General himself appears to have been not altogether unapprized. The evidence is exhibited in the instructions which he issued to the Commander-in-Chief, at the commencement of the war, for holding out to the French officers inducements to abandon the service of Sindiah; and in the hopes which he entertained that those invitations would produce their effect.[1] It is exhibited also in the declarations which he makes of the acquiescence with which, in several states of circumstances, he would have beheld the continuance of the French officers in the service of Sindiah. Thus, the Governor-General, when he conceived suspicions that the Peshwa, even subsequent to his flight from Poonah, would refuse to execute his engagements for receiving the English mercenary force, declared that he would not attempt compulsion, nor risk a war with a combination of the Mahratta powers, even for the mighty benefits of the treaty of Bassein.[2] Again, when he despaired of inducing Sindiah to accede to the terms of his defensive alliance, he assured him, that the English government would still

[1] See papers of Instructions. Ibid. p. 156, &c.
[2] Papers on the Mahratta War, ut supra, p. 68.

gladly preserve with him the relations of amity and peace, provided he did not resist the treaty of Bassein, or infringe the rights of any British ally.[1] In other words, had the Peshwa not agreed to put his military power into the hands of the English, the Governor-General would have quietly beheld the whole of the Mahratta states, Sindiah's Frenchmen and all, existing in their usual independence and turbulence, rather than incur the evils of a war for the sake of producing a change; and had Sindiah not assumed an attitude which implied a determination to resist the treaty of Bassein, the Governor-General would not have made war upon him, in order to effect the destruction of his European force; a war which, nevertheless, had that destruction been essential to the security of the state which he ruled, it would have been incumbent upon him to make.[2]

As to the chance of the arrival of a French army from Europe, a chance which the Governor-General represents as most formidable, how that was diminished by the treaty of Bassein, it is not easy to perceive. If anything was likely to induce Sindiah and the Raja of Berar to seek assistance from an army of Frenchmen, of whom they were jealous only somewhat less than they were of the English, it was the treaty of Bassein. If it be said, that the reduction which was effected of the power of Sindiah would have deprived a French army of the assistance to which it might otherwise have looked, it was the war, by

[1] Governor-General's letter to Sindiah, Ibid. p. 134, also 129.

[2] When the Governor-General, it may be further observed, tells Sindiah, that he had not the means of defending himself against the miserable power of Holkar, (Ibid. p. 131, 133,) he surely made a very small account of Perron and his battalions. It has been given, in parliament, as the opinion of two men, not apt to agree on disputable ground, of both Hastings and Francis, that European officers, and disciplined battalions, were to the native princes, especially the Mahrattas, a source of weakness, not of strength, who, though formidable by their irregular warfare, could not be so in a pitched battle. See Report of the debate, on the state of affairs in India, 5th of April, 1805. It was affirmed on that occasion by Mr. Francis, that after the minutest investigation, he found there were not more than twelve French officers in the whole Mahratta service. And it is worthy of remark, that no specific statement of the number, nothing but large general expressions, is given by the Indian government. Francis, moreover, affirms, that of the force under the command of Perron, the greater part were ordinary Mahratta troops; but a small portion officered by Europeans, or disciplined in the European manner.—M.

It is very certain that Mr. Francis's information was incorrect. Forty officers, British subjects, serving in Perron's brigades, left the service on the breaking out of the war, and were pensioned. There were as many more Frenchmen and foreigners. Sketch of Native Corps, 60.—W.

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which this effect was produced, not the treaty of Bassein. This is another argument which proves that the treaty of Bassein was good only as furnishing a pretext for the war with Sindiah and Berar.

Had Englishmen been capable of forming a sober estimate of the circumstances of France, at that time in a situation very little calculated for sending an army to India, the value attached to this contingency would not have been great. Neither would it be easy to show, that her chances of success, had France conducted an army to India, would not have been fully as great, at the close of the Mahratta war, as before. A prospect of deliverance from the English would probably have roused the whole Mahratta nation, then peculiarly exasperated, to have joined the invaders. As for the loss of Sindiah's French officers, it would have been easy to supply their place, and to incorporate with the European battalions as many native troops as their funds could maintain. In regard to pecuniary supply, Sindiah could not be less capable of aiding them after the war than before. He was totally incapable at both times.

The Governor-General not only made a very high estimate of the advantages arising from the treaty of Bassein: he had a contrivance for making a very low estimate of the expense which it produced. It produced, indeed, a war, which laid upon the East India Company a frightful load of debt. But the contending armies of Sindiah and Holkar could not, the Governor-General informs us, have been kept in the field, without ravaging the territories of the English and the Nizam; and to stand protected against this danger, armies must have been placed on the frontiers, which would have cost nearly as much as the war. This is one of those vague assertions, which, without much regard to their foundation, are so often hazarded, when they are required to serve a particular purpose, but which answer that purpose only so long as they are looked at with a distant and a careless eye. In the present case, it may be safely affirmed, that all the expense which a plan of defence required would have been the merest trifle in comparison with the enormous expenditure of the war. That much would have been required for defence, is fully contradicted by the Governor-General himself; who con-

fidently affirmed his belief, that the treaty of Bassein, however alarming and odious to Sindiah and Holkar, would yet be unable to move them to hostilities, because they knew their own weakness, and the dreadful consequences of a war with the British power. If for the mighty interests, placed at stake by the treaty of Bassein, it was yet improbable they would dare to provoke the British anger, it was next to a certainty, that they would be careful not to provoke it for the sake of a little plunder.

To have placed the subsidiary force with the Nizam upon his frontier, and to have increased to the necessary extent the troops stationed in Mysore, presented but little demand for expenditure, beyond what the maintenance of that portion of the army would have required in any other station. If some little expense must have attended these movements, it would be absurd to speak of it coolly as fit to be compared with the huge expenditure of the Mahratta war.

We are now then prepared to exhibit, in a few words, the statement of profit and loss by the treaty of Bassein. What was gained by it was, the dependence of the Peshwa, and nothing more: what was lost by it was, all that was lost by the Mahratta war. The loss by the Mahratta war is the excess of what it produced in evil above what it produced in good. Of the good and the evil which was produced by the Mahratta war, nothing can be spoken with precision, till it is known what they are. An account, therefore, of the events, and of the results of the war, will usefully precede the portion which remains of the inquiry into the nature and effects of the treaty of Bassein.

To have fully exposed the fallacy and unfairness of the assertions in the text, it would have been necessary to have followed it almost phrase by phrase; but this would have involved a prolixity equally tedious. In addition to what has preceded, therefore, it will be sufficient to point out a few of the leading exemplifications of want of candour or correctness, as far as they can be extracted from a very discursive and prolonged series of cavils. In professing to discuss the question of English interests, 'naked' as the writer expresses it, secured by the treaty of Bassein, he does little more than strain Lord Wellesley's vague phraseology to conclusions to which it was not intended to lead. "The stipulations of the treaty of Bassein," says Lord Wellesley, "have been framed exclusively to maintain the general tranquillity of India, by preventing the destruction of the Peshwa's power." Therefore, argues the author, Lord Wellesley either mistook a part for the whole, and identified the Peshwa with all the powers of India, or he concluded that the Peshwa's aid was to give the English the power of controlling or coercing all the rest. Now the Governor-General's object, although he does not always very guardedly express it, is

clearly the annuncintion of a system, not of a particular case. A system of general defensive alliance between the British power and the several states of Hindustan. The policy and practicability of such a system may require investigation; but it is an unworthy occupation to squabble about words, and for a loose phrase or two to fix upon Lord Wellesley the absurdity of confounding the Peshwa with all the states of Hindustan.

The alliance with the Peshwa did not, it is urged, produce a general defensive alliance—it produced war; therefore a war was the good thing realized for the British by the treaty of Bassein. But war, as has been observed, was not the necessary, it was only a contingent consequence of that treaty, and one regarded as improbable. It was a contingency too, worth risking for the establishment of a controlling authority at Poonah, by which an accession of territory was obtained, means of enlarging our military resources acquired, chance of annoyance from foreign foes obviated, and the dominions of the British and the Nizam placed in a position of improved security and strength. These were solid advantages, and that they were worth fighting for was proved by the result, as they were not only preserved, but were largely extended at the termination of the war. So far, therefore, it may be admitted that the war was not a bad thing, but it was not the proposed nor the necessary consequence of the Treaty of Bassein. That in the war which ensued, it was an advantage to have the amity instead of the enmity of the Peshwa, no one but our author could seriously have questioned. That the Mahratta confederacy, concentrated under one powerful head, would have been a dangerous neighbour, is undeniable, although we may admit there was little probability of any such consolidation. And the benefits expected from the pacific mediation of the British power, between the Mahratta states, are controverted by fact and likelihood. What had been the result of a pacific mediation between the Mahrattas and the Nizam? The almost extermination of the latter. No interposition but that of force could have been of the slightest efficacy. It may reasonably be doubted if the British Government, by always showing itself disposed to succour the weakest party, would have been less mixed up with Mahratta politics, would have incurred less trouble and cost, would less assuredly have engrossed the whole military control of the country, than by the Governor-General's system of subsidiary alliances.

The apprehension expressed by the Governor-General of the French in the Mahratta service, may have been exaggerated, but the hostilities that followed showed that the danger, although not such as to have authorized a war, of which the sole object should have been its removal, was not imaginary. The force under General Perron was numerous and well organized, and other disciplined brigades, even without their European officers, were far from being insignificant opponents in more than one engagement. Whatever may have been the probability of succours from Europe, it was infinitely diminished by the Treaty of Bassein, which placed the maritime provinces of the Peshwa, and the subordinate chiefs who were faithful to him, under British military control. That aggressions against the territories of the Company and the Nizam would have occurred, is exceedingly probable, and the means of guarding against them might have been less simple than the text supposes; at any rate, it was a contingency against which it was incumbent effectually to provide, and this provision involved a certain expenditure, as well as a precarious state of relations to which it could not be expected that any government of character would long submit.

In conclusion, it is said, that nothing was gained by the treaty of Bassein but the dependence of the Peshwa, and all that was lost by the war was lost by the treaty. It will be seen, that very great advantages were gained by the war: the immediate gain was also much more than the dependence of the Peshwa. An advance was made in the extension of the British power, not only of immense magnitude in itself, but fertile in consequences the most momentous to our dominions in India. As these results were not fully foreseen, they form no part of the merit of those by whom the ground was prepared for them, but they establish a balance of advantage which is fairly to be taken into account in estimating the consequences of the Mahratta war. We may reply confidently, then, to the two questions of our author,—first, that the treaty of Bassein did not create the necessity although it involved the contingency of war; and, secondly, that the advantages realized by the treaty were not only of sufficient value to render the contingency worth hazarding,

but they could not have been declined upon the plea of such a contingency, in justice or with honour.

The prospect of the war with Sindiah and the Raja of Berar, was contemplated with uneasiness by the authorities in England; and pending instructions from the Select Committee, Lord Castlereagh addressed to the Marquis Wellesley the views which he had been led to entertain, in the form of distinct notes. Although much that is remarked in these notes is just, yet the conclusion is the recommendation of a line of policy which would have led to the same consequences. It was proposed to modify, not to annul the treaty of Bassein; to retain the lands assigned for the subsidiary force, and to hold that force always disposable for the service of the Peshwa, although not stationed within his dominions, and its employment being discountenanced as much as possible by the Resident. The object of this modification was to avoid the semblance of interfering with the Mahratta confederacy, but the appearance signified little, as long as the interference was real, and the subservience of a British force to the will of the Peshwa was not likely to be an inoperative instrument in his hands. The other Mahratta chiefs would have had as little reason to be satisfied with this plan as with that actually adopted, the modification of which was prevented by the occurrence of hostilities.

Lord Castlereagh's observations were referred by Lord Wellesley to different persons of Eminence in India for their opinion, and his printed despatches contain the remarks of Major General Wellesley upon the document. According to General Wellesley's notions, the policy of a connexion with the Mahrattas, did not arise from the connexion subsisting previously to the conquest of Mysore, between the Company, the Mahrattas, and the Nizam, by the treaty concluded in 1790 at Poonah; but subsequently to the conquest of Mysore, it originated, 1st, in the necessity of preserving the state of the Nizam in independence; 2ndly, in the unjust claims of the Mahratta nation on the Nizam; 3rdly, in the certainty that those claims would be asserted in arms, and that the Nizam must submit, unless he should protect himself by raising an army, to be officered by European adventurers, particularly Frenchmen; 4thly, the necessity of preventing the Nizam from entertaining those adventurers, and of affording him protection at least to equal that which he would have procured for himself, by those means, even at the risk of a war with the whole Mahratta nation. There can be little reasonable doubt that the security of the Nizam, by the protection given him by the British, was looked upon by the Mahrattas as snatching from their grasp a certain victim, and that sooner or later they would attempt to vindicate their pretensions by arms. The prevention of this particular event, was, according to General Wellesley the main object of the views of the Governor-General in proposing a general defensive alliance, and in the difficulties attending a general alliance, he sought for that of the Peshwa as dividing and diminishing the Mahratta strength. Another of General Wellesley's arguments in favour of the treaty is, that at the period when it was formed, all the Mahratta forces, Sindiah and Holkar included, repeatedly urged the Governor-General to settle the Peshwa's affairs; and whatever may have been the insincerity of the two principal parties, it was proved, by the alacrity with which many of the chiefs of the Deccan joined the English, that they were well pleased to see them afford succour to the Peshwa. "The southern chiefs, who are the principal support of the government of Poonah, had not submitted to Holkar, they were in arms waiting for the arrival of the British troops, and they joined the army when it arrived in their neighbourhood." The stipulations of the treaty of Bassein, therefore, were not in opposition to the sentiments professed or entertained by the majority of the Mahratta chiefs. Of the general policy of such alliances General Wellesley remarks, that in the actual state of politics among Asiatic powers, no permanent system could be adopted which would preserve the weak against the strong, and would keep all for any length of time in their relative situations, and the whole in peace, excepting there should be one power which either by the superiority of its strength, its military system, or its resources, should preponderate and be able to protect all. That preponderating power was the Company, and the exercise of its authority in defending the weak against the aggression of the strong, in preventing all unjust wars, in prohibiting, in fact, all war within India, was a magnanimous and wise policy, which, although not carried into operation without resistance, and not wholly effected upon the principles which influenced Marquis Wellesley, has ultimately succeeded,

Some of the more powerful of the aggressors have, in defence of their right to commit aggression, provoked the British power to inflict upon them political extermination, but the greater number of the weaker princes have been rescued from the most grievous and intolerable oppression, the people have been protected from plunder and devastation, and the general condition of India has been changed from a scene of perpetual warfare to a state of universal tranquillity. Wellesley Despatches, vol. v. Letter from Lord Castlereagh, President of the Board of Control, with paper of observations, 4th March, 1804, p. 302. Major General Wellesley's observations on the preceding document, p. 318.

CHAPTER XII.

Objects to which the Operations of the Army in the North were to be directed. — Objects to which the Operations of the Army in the South were to be directed. — Minor Objects of the War. — General Lake takes the field. — History of the French Force in the Service of Sindiah, and of his Possessions in the Doab. — History of the Emperor Shah Aulum continued. — Battle of Allyghur, and Capture of the Fort. — Battle of Delhi, and Surrender of the Emperor to the English. — Agra taken. — Battle of Laswaree. — French Force in the Service of Sindiah destroyed, and his Dominions in the Doab transferred to the English. — Operations of the Army under General Wellesley in the South. — Ahmednuggur taken. — Battle of Assye. — Boorhanpore and Asseerghur taken. — Sindiah makes an Overture towards Peace. — Battle of Argaum. — Siege and Capture of the Fort of Gawilghur. — Operations in Bundelcund. — In Cuttack. — In Guzerat. — Negotiation with the Raja of Berar. — Treaty concluded. — Negotiation with Sindiah. — Treaty concluded. — Engagements with the minor Princes near the Jumna. — Sindiah enters into the defensive Alliance. — Governor-General's Account of the Benefit derived from the defensive Alliances, and the Mahratta War. — Investigation of that Account.

FOR the war, as soon as it should begin, the Governor-General had prepared a most extensive scheme of operations. To General Lake, the Commander-in-Chief, at that time present with the army on the upper frontiers, instructions had been sent on the 28th of June; pointing out, not only the necessity of placing the army under his command, with the utmost expedition, in a state of pre-

paration for the field, but also, though briefly, and in the form of notes, the objects to the attainment of which the operations of that army would immediately be directed. On the subsequent exertions of the Commander-in-Chief, to make ready for action, the Governor-General bestows unqualified praise. "By the indefatigable activity," says he, "zeal, ability, and energy of General Lake (whose personal exertions have surpassed all former example, and have been the main source of the success of the war in that quarter) the army of Bengal, on the north-west frontier of Oude, was placed, towards the close of the month of July, in a state of preparation and equipment favourable to the immediate attack of M. Perron's force, as soon as authentic advices should be received of the commencement of hostilities in the Deccan."[1]

In this part of the extensive field, which the plan of of the Governor-General embraced, he gave notice of two military, and two political, objects. The first of the military objects was to conquer the whole of that portion of Sindiah's dominions which lay between the Ganges and the Jumna; destroying completely the French force by which that district was protected; extending the Company's frontier to the Jumna; and including the cities of Delhi and Agra, with a chain of posts, sufficient for protecting the navigation of the river, on the right bank of the Jumna. The second of the military objects was of minor importance; the annexation of Bundelcund to the British dominions.

The political objects were also two. The first, to use the language of the Governor-General, was, "the possession of the nominal authority of the Mogul;" that is to say, the possession of his person, and thereafter the use of his name, to any purpose to which the use of that name might be found advantageous. Together with the city of Delhi, the person of the Mogul had for a series of years been subject to Sindiah; more immediately, at that particular moment, to Perron, as the vicegerent of Sindiah in that part of his kingdom. The acquisition of the country would, of course, place the Mogul, too, in British hands. The second of the Governor-General's political objects was, an extension of his general scheme of

[1] Letters, ut supra, p. 154, 234.

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alliance. He desired that the whole of the petty states to the southward and westward of the Jumna, from Jyneghur to Bundelcund, should be united in "an efficient system of alliance" with the British government.[1]

Such were the ends to be pursued in the north; for the accomplishment of which the Commander-in-Chief was vested with the same sort of powers, which had already been conveyed to General Wellesley, for the more secure attainment of those which were aimed at in the south. General Wellesley was expected, with the force under his command, to defeat the confederate army of Sindiah and the Raja of Berar; to protect from all danger, in that direction, the dominions of the Company and their allies; and to establish, in their subsidizing form, the governments of the Nizam, the Peshwa, and Gaekwar.

The province of Cuttack separated the Company's dominions in Bengal, from the Northern Circars. By the conquest of this district, the territory of the English nation in the northern part of India would be united, on the eastern coast, with that in the south, and would extend in one unbroken line from the mountains on the frontier of Tibet to Cape Comorin; the Mahrattas on that side of India would be deprived of all connexion with the sea, and hence with the transmarine enemies of the Anglo-Indian government; a communication not liable to the interruption of the monsoons would be formed between Calcutta and Madras; and an additional portion of the Bengal frontier would be delivered from the chance of Mahratta incursions. The province of Cuttack belonged to the Raja of Berar. Preparations were made for invading it about the time at which the operations of the principal armies should commence.[2]

Sindiah possessed the port of Baroach, and a contiguous

[1] Governor-General's Letter to the Commander-in-chief, dated 27th of July, 1803. Ibid. p. 156.

[2] Whatever difference of opinion may prevail as to the merits of the Marquess Wellesley's public correspondence relative to Mahratta politics before the war, it is impossible to withhold admiration from it after the war had become inevitable. It is a remarkable exhibition of activity and comprehensiveness of mind. All the great objects both of a political and military nature are pointed out with a most perfect knowledge of the situation and circumstances of the different native chiefs, and with a distinct and full enunciation of the purposes most advantageous to British interests. At the same time he is most liberal in his confidence as to the means by which the objects are to be effected, and most prodigal in his gratitude for their successful accomplishment.—W.

district on the coast of Guzerat. The government of Bombay was made ready to seize them, as soon as the war should be declared. BOOK VI. CHAP. XII.

1803. General Lake took the field with an army of 10,500 men, consisting of about two hundred European artillery, three regiments of European, and five of native cavalry, one regiment of European, and eleven battalions of native infantry. Beside this force, about 3,500 men were assembled near Allahabad for the invasion of Bundelcund; and about 2000 were collected at Mirzapoor, to cover Benares, and guard the passes of the adjoining mountains.

The army of Sindiah, to which General Lake was to be opposed, was under the command of a Frenchman, named Perron, and stated by the Governor-General, on grounds of course a little uncertain, to have consisted of 16,000 or 17,000 infantry, formed and disciplined on the European plan; with a large body of irregular infantry, from fifteen to twenty thousand horse, and a train of artillery, which the Governor-General describes, as both numerous and well appointed.[1]

To understand the nature of the power of Sindiah, in this quarter of India, a short history is required, not only of the peculiar composition of his army, but also of the territorial acquisitions which he there retained. Deboigne, though not the first Frenchman who was admitted into the army of Sindiah, was the first who obtained any considerable degree of power. Born a Savoyard, of parents respectable, though poor, after having served some time

[1] Vide Governor-General's Notes relative to the late transactions in the Mahratta empire. Ibid. p. 235. It is instructive to observe the prevalence of exaggeration: Col. Collins, in his letter from Sindiah's camp, dated 7th of April, 1802, says, "Since my arrival at this court, I have obtained more accurate information of the state of the regular infantry in the service of Dowlut Rao Sindiah than I heretofore possessed. I believe your Lordship may rely on the correctness of the following statement. General Perron commands four brigades of native infantry, each consisting of ten battalions of sepoys. The complement of a battalion is 716 firelocks, and every corps is commanded by two or three European officers.' Ibid. p. 17. By this statement, Perron's infantry amounted to 28,640, more than one-half beyond the estimate of the Governor-General, which yet we may suppose beyond the mark.—M.

The author of the account of the Corps in the Service of Native Princes states, that Perron commanded at the breaking out of the war, forty battalions of 700 men each, with a train of 140 pieces of cannon, and 5000 cavalry. General De Boigne's own statement to Colonel Francklin was, that the force which he raised was of three brigades, amounting to 24,000 men, with 130 pieces of cannon. Life of Shah Alem, 192.—W.

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in the army of his own prince, he entered the more splendid service of France, in quality of an ensign in the Irish brigades.[1] In the vicissitudes of his early life, we must content ourselves with effects; the causes very frequently remain unknown. We find him, next, an ensign in a Russian army, serving against the Turks. He was here taken prisoner; carried to Constantinople; and sold as a slave. After the war, being redeemed by his parents, he repaired to St. Petersburg, found means to recommend himself, and was made a lieutenant. He was detached to some Russian post on the Turkish frontier, and had some fortune to command the escort which attended Lord Percy in a progress among the Grecian Islands. In consequence of the impression which he must have made upon that nobleman, Lord Percy furnished him with two letters of recommendation, one to Mr. Hastings, Governor of Bengal, and another to Lord Macartney, Governor of Madras, to whose acquaintance, it is said, he had already been admitted, during the residence of that nobleman as British ambassador at St. Petersburg. It is surmised, that he obtained the consent of the Empress to make a voyage to India, from which he was to return by way of Cashmere, Tartary, and the borders of the Caspian Sea. Be that as it may, he arrived at Madras in the year 1780, and engaged as an ensign in the service of the Nabob of Arcot. In 1782 he repaired to Calcutta, where the letter of Lord Percy procured him a favourable reception from Mr. Hastings. Without disclosing his connexion with the Russian government, he described to that Governor the journey by Cashmere, and the shores of the Caspian, as the object which he now had in view; and was furnished by him with a recommendation to the Nawab of Oude, and the British Resident at Lucknow. It is said, that he was accommodated by the Nawab with a bill of exchange on Cashmere for 6000 rupees, with which, instead of prosecuting his journey, he purchased arms and horses, and entered into the service of the Raja of Jeypoor; that upon intelligence of this proceeding he was ordered down

[1] This sketch of the history, both of Deboigne and Perron, for which I have been obliged to trust to sources a little uncertain, is given, as exhibiting, which is enough for the present purpose, an idea, correct as to the class of men to which they belonged, rather than, in every minute particular, as to the individuals who are named.

to Lucknow by Mr. Hastings, whom he thought it his interest to obey; that he found the means of exculpating himself in the mind of that ruler, and was permitted to return to Lucknow; that he now engaged in trade, which he prosecuted with success; that he came to Agra, in 1784, at which time the Rana of Gohud was closely besieged by Madajee Sindiah; that he suggested to the Rana a plan for raising the siege, but Sindiah intercepted his correspondence, and, impressed with the proof of military talents which it displayed, consulted Mr. Anderson, the British Resident, on the propriety of taking him into his service; that Mr. Anderson, to whom he had letters of recommendation, sent for him, introduced him to Sindiah; and procured him the command of two battalions, to be disciplined in the European style. The terror which Sindiah found to march before the grape and bayonets of Deboigne's battalions, and the effects which they produced in the battles of Lallsort, Chacksana, and Agra, from 1784 to 1789, made him eager to increase their number to eight, then to sixteen, and afterwards, it is said, to twenty battalions, at which amount they remained. A battalion complete, consisted of 500 muskets, and 200 gunners, with four field-pieces and one howitzer. The military talents of Deboigne, and the efficiency of his troops, were the grand instrument which facilitated, or rather produced, the victories, and enlarged the dominions of Sindiah, in the region of the Jumna. In 1792, with eight battalions, he fought the desperate battle of Mairta against a great army of Rattores, a warlike tribe of Rajpoots. In the same year, and with the same force, he defeated, after an obstinate conflict at Patun, the formidable army of Ismael Beg. In 1792, he defeated the army of Tuckojee Holkar, containing four battalions disciplined, and commanded by a Frenchman; and at last made Sindiah, without dispute, the most powerful of the native princes in India. Deboigne was a man above six feet high, with giant bones, large features, and piercing eyes; he was active, and laborious to an astonishing degree; understood profoundly the art of bending to his purposes the minds of men; and was popular (because men felt the benefit of his equitable and vigilant ad-

BOOK VI. CHAP. XII. ministration), though stained with three unpopular vices, jealousy, avarice, and envy.[1]

1803. Perron came into India as a petty officer of a ship, either with Suffrein, or about the time of Suffrein's arrival. Having travelled into the upper provinces, he first received employment in the army of the Rana of Gohud, where he served under the immediate command of an Englishman. After the destruction of the Rana, he joined, in quality of quarter-master-serjeant, a corps commanded by a Frenchman in the service of Sindiah. Though he soon raised himself to a higher command, his corps was reduced, upon the return of the army into cantonments; and he was even unsuccessful in an application for employment in the army of the Begum Sumroo. When the brigade of Deboigne began to be formed, the prospects of Perron revived. He received the command of the Boorhanpore battalion; and had an opportunity of distinguishing himself in the battle of Patun. He commanded the detachment of Deboigne's army which besieged Ismael Beg in Canoor: and it was to him that Ismael Beg surrendered. To the honour of their European education, Deboigne and Perron resolutely protected their prisoner from the death which Sindiah, who had suffered from his prowess, thirsted to inflict upon him: and he remained in the fort of Agra, with a considerable allowance for his subsistence. When the corps of Deboigne became sufficiently numerous to be divided into two brigades, he gave the command of the first to M. Frimont, and that of the second to M. Perron, who, accordingly, upon the death of M. Frimont, became second in command. When the ambition of Sindiah to establish a control over the Peshwa carried him to Poonah, it was the brigade of Perron which attended him thither, and formed the principal part of his force. Perron, thus about the person of Dowlut Rao from the moment of his accession, and one of the main instruments of his power, easily succeeded to the whole authority of Deboigne, when,

[1] This account, which savours of exaggeration, is derived from an English gentleman, who served at the same time with Deboigne as an officer in Sindiah's army. See Asiat. An. Register for 1805, Characters, p. 22.—M.

It was written by Major L. F. Smith, and is added to his Sketch of the history of the Disciplined Regiments in the Service of Native Princes, first published in Calcutta—reprinted in London, 1805.—W.

in 1798, the commander withdrew with his fortune to Europe.[1]

M. Deboigne had received a large tract of country, in the region of the Jumna, in assignment for the maintenance of his troops. Not only the territory as well as the army which had devolved upon Perron required his presence upon the departure of Deboigne; but the presumption of the Governors both of Delhi and of Agra, had so much increased by the long absence of Sindiah in the south, that it seemed to be high time to reduce them to obedience. In the month of October, 1798, Perron sent two battalions, commanded by Colonel Sutherland, one of the Englishmen who helped to officer Sindiah's regular brigades, with an expectation that the Kelledar would deliver up the fort; but disappointed in that hope, he sent three battalions more, and the place was invested. Though, from a humane regard to the aged Mogul and his family, who were kept as a sort of prisoners in the fort, much caution was used in firing at the place, it was ready for assault in nineteen days, when the Kelledar capitulated and surrendered.[2]

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This was the occasion, on which, for the first time, the custody of the Emperor was placed in the hands of a Frenchman. He had now, during ten years, been subject to the power of Sindiah, under which he had fallen by the following means.

In 1782, when Mr. Hastings so eagerly made peace with the Mahratta powers, their dominions were bounded, on the north, by that great chain of mountains, which extends in a direction nearly east and west, from Cuttack in the Bay of Bengal to Ajmere, and forms a great boundary between the southern and the northern portions of the Indian continent. This physical barrier against the dangers to which the English dominions in the north of India were exposed, from the vicinity of the Mahrattas, was not all. On the western half of this chain of mountains, on its northern side, and immediately bordering upon the Company's frontier, or that of their dependant,

[1] These particulars, collected by the well-informed editor of the earliest volumes of the As. An. Reg. (see vol. iii. Charac. p. 39), are confirmed by common history in all the leading and material points.

[2] See letters from an officer in Perron's army. Asiat. An. Register, vol. i. Chron. p. 50.

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the Nabob of Oude, were placed, forming another line of defence, a number of small independent states, all jealous of the Mahrattas, and all dreading any extension of their power. The whole of that wide expanse of country, which extends from near Allahabad on the east to the river Sutledge on the west; bounded on the south by the mountainous ridge just mentioned; on the north, as far as Shekoab, by the Jumna; thence by a line passing near Secundra to the Ganges, and by the Ganges to Hurdwar; was, by the policy of Mr. Hastings, left open to the ambition of the Mahrattas. This country contained, among other principalities, the territory of Bundelcund and Narwar; that of Gohud, including Gwalior and Bind; and the great provinces of Agra and Delhi, including the Jaat country, and nearly one half of the Doab, subject chiefly to the Emperor Shah Aulum, and a few other Mohammedan chiefs. Sindiah was the Mahratta prince, who, from the vicinity of his territories, and from his power, was best situated for availing himself of the offered advantage; and he did not allow the opportunity to escape. Another Mahratta chieftain, indeed, found means to get a partial possession of Bundelcund, while Sindiah was engrossed with the business of other acquisitions; but all the rest of that extensive country was wholly appropriated by the latter chieftain.[1]

Sindiah had already made great progress in subduing this region, when, with Ismael Beg, he approached Delhi in 1788. Gholam Kadur, a son of Zabita Khan; who, having from some cause of displeasure been banished from the presence of his father, had received an asylum from

[1] See Rennel. Asiatic An. for 1804, Miscel. Tracts, p. 77: Hamilton's East Ind. Gazetteer. The policy of letting him take possession of this country is thus represented by Lord Wellesley: "The territories of Sindiah between the Jumna and the Ganges, interrupt the line of our defence in that quarter; and some of his principal posts are introduced into the centre of our dominions; while the possession of Agra, Delhi, and of the western and southern banks of the Jumna, enables him to command nearly the whole line of the western frontier. In the event of any considerable accession to Sindiah's power, or in the event of his forming any connexion with France, or with any enemy to the British interests — the actual position of his territories and forces in Hindostan would furnish great advantages to him, in any attack upon the Company's dominions." Governor-General's Instructions to the Commander-in-Chief, dated 27th July, 1803, Ibid. p. 156. As the Governor-General was making out a case, allowance is to be made for exaggeration.—M.

There is no exaggeration in the Governor-General's assertion, that the position of Sindiah was favourable to an attack upon the British provinces in Upper India, including those recently ceded by the Nawab Vizir.—W.

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Shah Aulum, and growing into his favour, had been created by him Ameer ul Omrah; enjoyed at that time the principal power at Delhi. The Emperor appears to have been desirous of emancipating himself from the dominion of Gholam Kadur, a man of a haughty and ferocious character; and informed him that, having no money to carry on the contest, he regarded resistance as vain. Gholam Kadur himself undertook for resources; only insisting, that, as "the presence of the monarch was half the battle," the Emperor should head the army in the field; and to this the Emperor assenting, commissioned Gholam Kadur to make the requisite preparations for war. Next day, it is said, a letter from the Emperor to Sindiah was intercepted, in which the Emperor exhorted Sindiah to use the greatest possible despatch, for the purpose of destroying Gholam Kadur; "for Gholam Kadur," said he, "desires me to act contrary to my wishes, and oppose you." Upon this discovery, Gholam Kadur, burning for revenge, ordered an attack upon the fort, in which Shah Aulum resided; carried it in a few days; flew to the apartment of the monarch, whom he treated with every species of indignity; and then put out his eyes. After plundering the Emperor and his family, and sparing no expedient, however degrading, to strip the females of all their valuable ornaments, he fled upon the approach of Sindiah; who thus became master of the legitimate sovereign of India, and of all the territories which yet owned his sway.[1]

[1] Of this, as of other parts of the Mahratta history in which the English were not immediately concerned, when our knowledge is sufficiently certain in all the points of any material importance; we must, for the minute particulars, be satisfied to know that they cannot be very remote from the truth.—The remaining history of Gholam Kadur is short. He took refuge in Agra, which Sindiah besieged. Seeing resistance hopeless, he took advantage of a dark night, stuffed his saddle with the jewels which he had plundered from the family of the Emperor, and with a few followers took his flight towards Persia. On the second night, having fallen from his horse, he gave time to his pursuers to come up, and make him prisoner. Sindiah, after exposing him for some time, first in irons, next in a cage, ordered him to be deprived of his ears, nose, hands, feet, and eyes; in which deplorable condition he was left to expire. The party who pursued him was commanded by a Frenchman of the name of Lostoneaux. It was under him that Perron is said to have been first admitted into the service of Sindiah, when he served as a quarter-master-serjeant. Lostoneaux is said to have got possession of the saddle, which Gholam Kadur is supposed to have stuffed with diamonds. This at least is known, that he soon after contrived to slip away, and returned to Europe. His corps breaking up after his desertion, Perron was in danger of losing em-

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Though the Emperor was allowed by Sindiah to remain in the fort of Delhi, with the nominal authority over the city, and a small district around, he was held in a state of poverty, in which not only the decencies, but almost the necessaries of life were denied to him and his family. A Kelledar or Governor was placed in the fort, by whom he was guarded as a prisoner. And Sindiah at times had made him set forth his claim, not only to the tribute which the English had covenanted to pay to him for Bengal, which they had so early found a pretext for not paying, and which now, with its interest, amounted to a great sum; but to the wide extended sovereignty which had ceased to be his, only by successful usurpation and rebellion.

As there is no reason to believe that Perron behaved not to Shah Aulum with all the humanity and delicacy, practicable in the circumstances of Perron, so there is reason to believe that the condition of the unhappy monarch was ameliorated after he became subject to that European officer. M. Perron is represented, by all those from whom we receive any accounts of him, except the English rulers, as not only a man of talents, but a man of humanity and moderation.[1]

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ployment, till Sindiah's general gave him a battalion of his own. Asiat. An. Reg. for 1804, Chron. p. 63.—Also for 1801, Charac. p. 39.—M.

The first of these accounts is a very loose and inaccurate statement. The Mahrattas had been in possession of Delhi before Gholam Kadur's last administration; he had recovered it by surprise, but conscious of his inability to resist the advance of Sindiah's general, Rana Khan, resolved to plunder the palace and retire. Shah Alem's inability to comply with the Rohillas' requisitions of treasure, was resented by the most brutal treatment and the loss of his eyes. The ruffian fled to Meerut; not to Agra. See Francklin's Shah Alem.—W.

[1] The English officer, from whose letters, in the Asiat. An. Reg. vol. i. Chron. p. 50, we have the account of the surrender of Delhi to Perron's battalions, says, "The General from that amiable humanity, which is a noble trait in his character, endeavoured to avoid recourse to hostile measures, in regard to the old king, the numerous princes, and princesses, who are detained in the fort: and even when the siege was laid, it was with full permission of the king, and every measure adopted to obviate any possible injury to the old monarch and the royal family. Though the troops in the fort, amounting to 600, were debarred from all exterior supplies of provision, yet General Perron ordered that the royal persons should be amply supplied, and their provisions pass unmolested." The author of a very intelligent letter (dated Oude, November, 1799, on the military state of the north-west part of the Company's frontier, published in the Asiat. An. Register for 1804, Miscel. Tracts, p. 77) says "General Perron, a French officer of great experience and consummate abilities, both as a statesman and soldier, represents Dowlut

By the distance at which Sindiah, while engaged in establishing his authority in the south, was kept from his dominions in the north, the administration of the government of his new acquisitions, in the region of the Jumna, fell almost entirely into the hands of Perron, who was present with an army, and had a large portion of it in assignment for the maintenance of his troops. We have the testimony of a most unexceptionable witness, Colonel Collins, both that he made a wise and excellent use of his power; and that the success of his administration had created incurable jealousy and hatred in the breast both of Sindiah's nobles, and of Sindiah himself. "I have it," says that Resident, in his letter dated 30th of March, 1802, "from good authority, that the Sirdars of this court have frequently remonstrated with the Maharaja, on the subject of the extensive authority vested in General Perron; and I have also been told in confidence, that, whenever the disturbances in this quarter are composed, so far as to admit of Sindiah's repairing to Agra, it is the intention of the Maharaja to deprive the General of the command of those fortresses which he now possesses in Hindustan. Nor do I doubt the truth of this information; when I reflect on the general disposition of the Mahrattas; they being, as your Lordship well knows, at all times inclined to suspicion and jealousy; of which I saw strong symptoms, at my audience with the Maharaja on the 27th ultimo. The ministers, who were present at this interview, having put various questions to me respecting the state of Sindiah's possessions in the Doab, I purposely spoke of them, as being in the most flourishing condition, ascribing the same to the able management of General Perron, to whom, as your Lordship recollects, they are assigned in *jeydad*. I also noticed the unwearied attention of the General, to improve and strengthen the works of the different fortresses garrisoned by his troops; and mentioned likewise the high estimation in which he was held by all the Rajpoot and Seik Sirdars, who were chiefly guided by his councils and directions."[1] Though we may

Rao Sindiah in Hindustan; and is invested with the most full and absolute authority over every department of the government, civil and military.—This power he exercises with great moderation, at the same time with a degree of judgment and energy, that evince very superior talents."

[1] Papers relative to the Mahratta war in 1803, ut supra, p. 17.

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easily enough suppose in this language a degree of exaggeration, to which the occasion may be supposed to have presented temptation, yet we cannot suppose a gentleman, of an English education, and of a high character, to have made a deliberate statement for which he knew there was no foundation in fact. In his next letter, Colonel Collins says, "Such Mahratta Sirdars, as are envious or jealous of the power of M. Perron, do not scruple to affirm, that he by no means wishes the total ruin of Holkar; since, in this event, the Maharaja would be enabled to repair to Hindostan, and to take upon himself the chief direction of affairs in that quarter. Whether or not Sindiah has been influenced by these suggestions, I shall not presume to determine; but I believe it to be an undoubted fact, that General Perron has been given to understand he must relinquish the collections of all the districts which he now possesses in Hindostan, excepting those appertaining to his jeydad, the annual revenues of which are estimated at forty lacs of rupees; at present the General collects nearly eighty lacs."[1] From Futty Ghur, to which, for the purpose of avoiding the unhealthy season, he had returned from Sindiah's camp, having by the way paid a visit to Perron at his head-quarters at Cowle, Colonel Collins, on the 24th of June, 1802, wrote again, as follows: "General Perron has been peremptorily directed by Sindiah to give up all the Mehals in his possession, not appertaining to his own jeydad. And I understand, from good authority, that the General is highly displeased with the conduct of Sindiah's ministers on this occasion; insomuch that he entertains serious intentions of relinquishing his present command in the service of the Maharaja. Indeed, when I was at Cowle, he assured me, that ere long I might expect to see him at Futty Ghur."[2]

The first object to which General Lake was commanded to direct the operations of the war, was the destruction of the force of General Perron. This force the Governor-General, though he very seriously, not to say violently, dreaded it, yet at the same time, with a very possible inconsistence, so much despised, that he confidently

[1] Letter to Governor-General, dated Camp, near Ougein, 18th April, 1802. Ibid p. 18. Compare the statement of 1,35,00,000 in the Governor-General's notes. Ibid. p. 222.

[2] Ibid. p. 24.

expected the complete annihilation of it, before the end of the rains. "I desire," says he, "that your Excellency will compose the main army, and regulate the strength and operations of the several detachments, in a manner which shall appear to your judgment to afford the most absolute security for the complete destruction of M. Perron's force before the conclusion of the rains."[1]

Not arms alone, other expedients were to be employed. "It would be highly desirable," says the Governor-General, "to detach M. Perron from Sindiah's service, by pacific negotiation. M. Perron's inclination certainly is, to dispose of his power to a French purchaser; I should not be surprised if he were to be found ready to enter into terms with your Excellency; provided he could obtain sufficient security for his personal interests.—I empower your Excellency to conclude any agreement for the security of M. Perron's personal interests and property, accompanied by any reasonable remuneration from the British government, which shall induce him to deliver up the whole of his military resources and power, together with his territorial possession, and the person of the Mogul, and of the heir apparent, into your Excellency's hands. The same principle applies generally to M. Perron's European officers. And the proclamations with which I have furnished your Excellency will enable you to avail yourself of the first opportunity of offering propositions to those officers, or to the several corps under M. Perron's commands."[2]

On the 7th of August, the General marched from Cawnpore. On the 28th he reached the frontier; and early on the morning of the 29th moved into the Mahratta territories, with a view of attacking a part of M. Perron's army assembled near the fortress of Alighur. The British army reached the enemy's camp about seven o'clock in the morning; and found the whole of his cavalry drawn up on the plain, close to the fort of Alighur. Appearing to be strongly posted, with their right extending to the fort of Alighur, and their front protected by a deep morass, the General resolved to make his attack on their left flank, which had no protection except from two

[1] Letter to Lord Lake, 27th July, 1803. Ibid. p. 159. Dispatches, iii. 208.
[2] Letter, ut supra. Ibid. p. 161.

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detached villages. The British cavalry were formed into two lines, supported by the line of infantry and guns; but the enemy retired as they advanced, and quitted the field without an engagement. They were estimated at 15,000 strong. As if to show the extreme want of all cohesion, and hence of stability, in the materials of Perron's power, the Commander-in-Chief informs the Governor-General, and the Governor-General with exultation informs his employers; that upon so very trifling an occasion as this, "many of the confederates of M. Perron left him; and "I learn," says the General, "from all quarters, the most of the enemy's cavalry who opposed us yesterday, have returned to their homes, declaring their inability to oppose the English."[1]

The town of Coel immediately surrendered to the English; but the garrison of Alighur resisted all the motives with which Lake endeavoured to persuade them. After consideration, he deemed it practicable to carry the fort by assault; and this he preferred to the slow operations of a siege. The place was strong, with a broad and deep ditch, a fine glacis, the country levelled for a mile round, and exposed in every direction to the fire of the fort. Lieutenant-Colonel Monson was chosen to lead the attack: and the preparations were completed before the 4th of September. At three o'clock on the morning of that day, the troops moved down to a distance of 600 yards from the sortie. After waiting till half after four, the storming party advanced under cover of a heavy fire from the British batteries erected for the purpose, and arrived within a hundred yards of the fort before they were perceived. There was only one passage across the ditch into the fort, by a narrow causeway, where, the enemy having commenced a mine, but omitted a drawbridge, the British troops were enabled to pass, and assault the body of the place. As soon as Colonel Monson perceived that the garrison had received the alarm, he pushed on with two flank companies of Europeans, hoping to enter the gate along with the external guard. The gate was found shut; and the ladders were applied. Major Macleod of the 76th regiment, and two grenadiers, began to mount; but so formidable an array of pikemen appeared to receive

[1] Letter, ut supra. Ibid. p. 267, 268.

them, that it would have been vain and foolish to persist. A gun was now required to blow open the gate. Being situated near the angle of a bastion, it was difficult to place a gun in a situation to act upon it. Four or five rounds were fired, before it was blown open; the troops were stopped about twenty minutes; during which they were raked by a destructive fire of grape, wall-pieces, and matchlocks; Colonel Monson was wounded; six officers were killed; and the principal loss in the assault was sustained. A narrow and intricate passage of considerable length, all the way exposed to a heavy cross fire in every direction, led from the first gate to that which opened immediately into the body of the place. To this it was a work of great difficulty to bring up the gun, and when it was brought up, the gate was found too strong to be forced. In this extremity Major Macleod pushed through the wicket with the grenadiers, and ascended the ramparts. After this but little opposition was made. The garrison endeavoured to escape in every direction. Many jumped into the ditch, of whom some were drowned. About 2000 perished. Some surrendered, and were permitted to quit the fort, by the Commander-in-Chief, who was close to the scene of action, to witness an attack which nothing but the persevering bravery of the men permitted to succeed. The English loss was fifty-nine killed, including six, and 212 wounded, including eleven European officers.[1]

The fort was esteemed an acquisition of great importance, as being the ordinary residence of M. Perron, and the principal place of deposit for his military stores; of which the quantity found by the English, probably because it was inconsiderable, is not specified, in any of the printed documents in which the value of the acquisition is presented to view.

The same day on which Alighur was taken, the Commander found it necessary to send a considerable detachment, to join the officer left at Futty Ghur, charged with a convoy for the army. Five companies of sepoys, with one gun, under the command of Lieutenant-Colonel Coningham, left at Shekoabad, had been attacked on the

[1] See the Governor-General's Notes, Ibid. p. 247 — and the Dispatch of the Commander, p. 268.

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2nd of September, by a body of cavalry, commanded by a Frenchman of the name of Fleury. Though much superior in force, the assailants were repulsed, but returned to the attack on the 4th, when the English capitulated, their ammunition being nearly spent. Before the reinforcements sent by the General arrived, the enemy crossed the Jumna, and disappeared.

On the 5th of September, M. Perron addressed a letter to General Lake, which was received on the 7th. In that letter Perron informed the British Commander, that he had resigned the service of Dowlut Rao Sindia, and requested permission to pass with his family, his effects, and the officers of his suite, through the Company's dominions to Lucknow. The instructions of the Governor-General, to purchase, if possible, the surrender of the military resources of Perron, have already been mentioned. We are informed by the Governor-General, that "on the 20th of August the Commander-in-Chief received a letter from General Perron, indicating a desire on the part of that officer, to effect an arrangement, which might preclude the necessity of an actual contest between the British forces, and those under the command of General Perron" We learn, on the same occasion, from the same high authority, that some time previously Perron had applied for leave to pass through the Company's territories, as being about to resign the service of Sindiah; and had, at the request of the Commander-in-Chief, sent to the English camp a confidential agent, with whom a discussion took place on the 29th of August. All that we further know is, that the agent departed without effecting any arrangement. The Governor-General tells us, that "he evaded the propositions of the Commander-in-Chief, for the surrender of M. Perron."[1] Perron might have received a large sum of money, had he bargained for his own retirement, and transferred to the English any considerable portion of the military resources with which he was intrusted. Perron retired, without bargaining at all: and, although he had the greatest cause of resentment against his employer, without transferring to his enemies the smallest portion of the resources with which he was intrusted.

The Governor-General informs us, that M. Perron stated

[1] Letter from Governor-General in Council, 25th Sept. 1803. Ibid. p. 187.

two facts, which remarkably confirm what I have already suggested, with regard to the miserable foundation and feeble texture of all such power as his. "M. Perron stated, that his reason for retiring proceeded from his having received intelligence that his successor had been appointed; and was actually on his way to take possession of his new charge. M. Perron also observed, that the treachery and ingratitude of his European officers convinced him that further resistance to the British arms was useless."[1]

General Lake, who estimated, and knew that the Governor-General estimated, highly the value of removing M. Perron, granted him, in a prompt and handsome manner, the indulgence which he requested; and that General proceeded in consequence to Lucknow.

On the same day on which General Lake received the letter of Perron, measures being completed for the possession of Alighur, he began his march for Delhi. On the 9th of September, he reached Secundra; and during the next two days advanced about eighteen miles beyond Soorajepoor, when intelligence was received, that the army which had belonged to Perron, now commanded by another Frenchman of the name of Louis Bourquin, had crossed the Jumna from Delhi during the night, with a view to meet and repel the British army.

The troops, fatigued with eighteen miles of march, and the heat of the day, reached their ground of encampment (six miles from Delhi) about eleven o'clock, and had scarcely pitched their tents, when the outposts were attacked. The General, having reconnoitred, and found the enemy drawn up in order of battle, immediately ordered out the whole line. The position of the enemy was on a rising ground, with swamps on either flank; their front, where alone they could be attacked, was defended by a numerous artillery and a line of intrenchments. The number of the British troops amounted to about four thousand five hundred men. That of the enemy is stated at nineteen thousand. The British infantry were ordered to advance from the right of battalions in open columns of companies; and during this operation, the cavalry were commanded to precede. Advancing two miles in front, they were exposed for one hour to a severe cannonade

[1] Governor's-General's Notes. Ibid. p. 248.

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before they were joined by the infantry; the Commander-in-Chief had his horse shot under him; and a considerable loss was sustained. As the infantry approached, the General ordered the cavalry to fall back, with a view both to cover the advance of the infantry, and if possible to draw the enemy forward from their intrenchments upon the plain. The enemy fell into the snare, believed the movement a retreat, and advanced, shouting, with the whole of their guns. The British cavalry retired, with the utmost steadiness and order, till joined by the infantry, when they opened from the centre, and allowed the infantry to pass to the front. The whole were instantly formed, the infantry in one line, the cavalry in a second, about forty yards in the rear of the right wing. The enemy had halted, on perceiving the British infantry, and began a tremendous fire of round, grape, and chain shot. The General having placed himself on the line, the men advanced with steadiness, and without taking their muskets from their shoulders, till within a hundred paces of the enemy, who began to pour upon them a shower of grape from the whole of their guns. Orders were given to charge with bayonets. The line fired a volley and rushed on, with their gallant commander at their head, when the enemy gave way and fled in every direction. As soon as the troops halted after the charge, the General ordered the line to break into columns of companies, which permitted the cavalry to pass through the intervals with their galloper guns, and complete the victory. The enemy were pursued with slaughter to the banks of the Jumna. This battle, though small in scale, and not very trying, from the resistance of the enemy, affords a high specimen both of the talents of the General, and the discipline and bravery of the men.

The enemy left the whole of their artillery, sixty-eight pieces of ordnance, with a great quantity of ammunition, and two tumbrils containing treasure, on the field. In men, their loss was estimated at three thousand: that of the English, in killed, wounded, and missing, was four hundred and eighty-five. After being seventeen hours under arms, the British army took up fresh ground towards the river, and next morning encamped, opposite to the city of Delhi. As the enemy had evacuated both the city and fort, Shah Aulum sent a message to express his desire

of placing himself under the protection of the victors. An intrigue had been opened with him before, and means had been found to convey to him a letter from the Governor-General, promising to him, in case he should find the means, during the present crisis, "of placing himself under the protection of the British government, that every demonstration of respect and attention would be paid towards his Majesty, on the part of that government, and that an adequate provision would be made for the support of his Majesty, and of his family and household." To this secret communication a secret answer was received by the Commander-in-Chief on the 29th of August, "expressing," says the Governor-General, "the anxious wish of his Majesty to avail himself of the protection of the British government."[1] On the 14th the British army began to cross the river. And on the same day, the General Bourquin, who commanded in the late action, and four other French officers, surrendered themselves prisoners to General Lake. On the 16th he paid his visit to Shah Aulum. The language of the Governor-General, on this occasion, is something more than pompous. "His Excellency, the Commander-in-Chief, had the honour to pay his first visit to his Majesty Shah Aulum on the 16th of September; and to congratulate his Majesty on his emancipation from the control of a French faction who had so long oppressed and degraded him. His Majesty was graciously pleased to direct his eldest son, and heir apparent, the Prince Mirza Akbar Shah, to conduct the Commander-in-Chief to his royal presence. The Prince was to have arrived at the Commander-in-Chief's tent at twelve o'clock; but did not reach the British camp until half-past three o'clock, p. m. By the time his Royal Highness had been received, remounted on his elephant, and the whole cavalcade formed, it was half-past four o'clock. The distance being five miles, the Commander-in-Chief did not reach the palace at Delhi until sun-set. The crowd in the city was extra-

[1] Letter from Governor-General in Council, to the Secret Committee, 12th of April, 1804; Papers relating to the King or Mogul at Delhi, ordered to be printed 12th March, 1805. See also the Message of the King, ibid. p. 9, which, so far from expressing great *anxiety of wish*, exhibits much distrust of the English, complaining of their late conduct, and declaring an apprehension "lest when they gain possession of the country they may prove forgetful of him."

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ordinary; and it was with some difficulty that the cavalcade could make its way to the palace. The courts of the palace were full of people; anxious to witness the deliverance of their sovereign from a state of degradation and bondage. At length the Commander-in-Chief was ushered into the royal presence: and found the unfortunate and venerable Emperor; oppressed by the accumulated calamities of old age, degraded authority, extreme poverty, and loss of sight; seated under a small tattered canopy, the remnant of his royal state, with every external appearance of the misery of his condition."[1]

In another passage the Governor-General speaks of this event, as "delivering the unfortunate and aged Emperor Shah Aulum, and the royal house of Timour, from misery, degradation, and bondage; and rescuing his Imperial Majesty, the Mogul, from the hands of a desperate band of French adventurers."[2]

With regard to the French officers, this is a language in the highest degree illiberal, if not unjust, and moreover, indecent. It was not they who degraded, if that was a crime, the house of Timour; it is in evidence that they improved the condition of its surviving members; it is not in evidence that they did not improve it as far as that improvement depended upon them. It is manifest, that certain forms of respect, and a less penurious supply of money, was all that could depend upon them. Of these there is no indication that the first were withheld. Of the second, the French had little to bestow. The revenues of Perron's government must, with great difficulty, have met its charges, and he departed at last with no more than the fortune of a private individual. Whatever he afforded to Shah Aulum beyond the allowance prescribed by Sindiah, he must have paid out of his own fortune. And had Shah Aulum been supported out of the pocket of any English gentleman, of the Governor-General himself, though doubtless he would have dealt by him kindly, and even generously; yet I may venture to affirm, that his "royal state," would not have exhibited great magnificence.

Besides, who would not imagine, upon hearing this lan-

[1] Papers relating to the Mahratta War, ut supra, p. 249.
[2] Papers, ut supra, p. 234.

guage of the English ruler, that he was about to restore his "Imperial Majesty, Shah Aulum (whom his subjects were so anxious to see delivered from a state of degradation and bondage,") to his lost authority? to those territories, from which he had been extruded, only by successful usurpation and rebellion, territories, of which the provinces held by the Company formed a material part? or, if he was not to give him any of the usurped territories which had fallen to the lot of the English, not even that tribute which they had stipulated to pay him, and which they had long withheld; that at any rate he was to bestow upon him those territories, of which Sindiah had deprived him, and which the English had just retaken, or were about to retake? Not an atom of this. The English were to restore no territory. Even that which they were now taking from Sindiah, and of which by Sindiah the Emperor had but lately been robbed, the English were to keep to themselves. The English, therefore, were to hold his "Imperial Majesty" still degraded from all sovereign power: still in bondage, as much as ever. The very words of the Governor-General are, that only so much "regard should be paid to the comfort and convenience of his Majesty and the royal family as was consistent with the due security of their persons," in other words, their imprisonment. Wherein then consisted the difference of his treatment? In this alone, that he would enjoy more of the comforts which in a state of imprisonment money can bestow, and was secure from personal violence.

The lofty description afforded us by the British ruler, goes on in the following words; "It is impossible to describe the impression which General Lake's conduct on this interesting occasion has made on the minds of the inhabitants of Delhi, and of all the Mussulmans who have had an opportunity of being made acquainted with the occurrences of the 16th of September, 1803. In the metaphorical language of Asia, the native news-writers who describe this extraordinary scene, have declared that his Majesty Shah Aulum recovered his sight from excess of joy.[1] In addition to many other marks of royal favour and condescension, the Emperor was graciously pleased to

[1] They probably said something not less extravagant, when he passed into the hands of Sindiah.

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confer on General Lake the second title in the Empire, *Sumsam u dowla, ashgar ul mulk, Khan dowran Khan, General Gerard Lake bahadur, futteh jung:* The sword of the state, the hero of the land, the lord of the age, and the victorious in war."[1]

Though mention is made of the surrender of no more than one other French officer, named Doderneque;[2] the letter to the Secret Committee, dated the 31st of October, says, "The Governor-General in Council has the satisfaction to inform your Honourable Committee, that no French officers of any consideration now remain in the service of the confederated Mahratta chieftains."[3] This, then, was a danger, of which, whatever else may justly be said of it, there was little difficulty in getting rid.

Appointing Lieutenant-Colonel Ochterlony to hold the chief command at Delhi, and leaving a garrison of one battalion and four companies of native infantry, with a corps of Mewatties, newly raised under the command of Englishmen who had quitted the service of Sindiah at the beginning of the war, the Commander-in-Chief began his march to Agra on the 24th of September, and arrived at Muttra on the 2nd of October, where he was joined by the troops from Futtyghur. On the 4th he arrived at Agra; and immediately summoned the garrison, but no answer was returned. He received information, that considerable confusion prevailed within the fort, where all the European officers were placed under confinement.

Finding that approaches could not be made, unless seven battalions were dislodged of the enemy's regular infantry, who, with several guns, were encamped without the fort, and occupied the town of Agra, together with the principal mosque, and some adjacent ravines, General Lake gave directions for attacking the town and the

[1] How often, in looking narrowly into the conduct of public affairs, has the friend of humanity occasion to lament the low state in which *political morality* remains! its deplorable state compared even with private morality! How many men would disdain the practice of hypocrisy in private, who, in public life, regard it, even in its grossest shape, as far from importing the same baseness of mind. Notes, ut supra, p. 249.

[2] It is scarcely worth making any remark on this statement, except to show its spirit. The same sentence that mentions M. Doderneque's (Dudernaigue's) surrender, adds, he was accompanied by a French officer in Sindiah's service; our author should therefore have admitted that there were at least 'two' Frenchmen in the Mahratta army. Despatches, iii. 426.—W.

[3] Notes, ut supra, p. 203.

ravines on the 10th, both at the same time, the one with a brigade, the other with three battalions of sepoys. The attack succeeded in both places, though not without a severe conflict; and the troops engaged in the ravines, being carried by their ardour to quit them, and gain the glacis, for the purpose of seizing the enemy's guns, were exposed to a heavy fire of grape and matchlocks from the fort, and suffered proportionally both in officers and men. Another occurrence was, that the defeated battalions agreed afterwards to transfer their services to the British commander, and marched into his camp, to the number of 2,500 men, on the 13th of October.

On that day the garrison desired a parley; but while a British officer, sent into the fort, was endeavouring to remove their objections to the terms of capitulation, they recommenced firing, and would admit of no further intercourse. The breaching batteries, however, having opened on the morning of the 17th, and threatening a speedy catastrophe, they capitulated in the evening, on terms of safety to their persons and private property.[1]

A force, composed of fifteen regular battalions, sent north by Sindiah at the commencement of the campaign, and of two battalions which had joined them from Delhi, after the battle of the 11th of September, still remained. They had occupied a position about thirty miles in the rear of the British army, during the siege of Agra, but without attempting interruption. And they were understood to have in view a march upon Delhi, with the hope of recovering that important post. In quest of this enemy, the British army moved from Agra on the 27th of October. Retarded by the heaviness of the rain, they left the heavy guns and baggage at Futtypore, and on the 30th and 31st, marching twenty miles each day, they encamped on the 31st, a short distance from the ground which the enemy had quitted in the morning. The General conceived the design of overtaking them with the cavalry, and giving them, by a slight engagement, interruption till the arrival of the infantry. Marching from 12 o'clock on the night of the 31st, till sunrise the next morning, a distance of twenty-five miles, he came up with the enemy, retreating as he imagined, and in confusion.

[1] Notes, ut supra, p. 251.

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Eager not to permit their retreat to the hills, and to secure their guns, he resolved, as he himself expresses it, "to try the effect of an attack upon them with the cavalry alone."

The advance of the cavalry was slow, the road having been rendered difficult by the water of a reservoir, the embankment of which the enemy had cut. The British General, having commanded the advanced guard and first brigade, led by Colonel Vandeleur, to march upon the point, where the enemy, who had for some time been covered by the clouds of dust, had been observed in motion, directed the remainder of the cavalry to attack in succession as soon as they could form and come up. When they advanced sufficiently near to perceive the enemy, they found them occupying an advantageous position, with their right upon a rivulet which the British had immediately passed, their left on the village of Laswaree, and their whole front amply provided with artillery. The point to which the advanced guard and first brigade were directed, was found to be the left of the enemy's new position, which, without hesitation, they attacked. They forced the line, and penetrated into the village, Colonel Vandeleur having fallen in the charge; but they were exposed to so galling a fire of cannon and musquetry, that it was impossible to form the squadrons for a second attack, and the General was obliged to draw them off. They left for want of draught cattle, the guns of the enemy which had fallen into their hands; and the other brigades retired from the fire to which they found themselves exposed, without being able to discover the enemy, though they fell in with and carried away a few of their guns. The British infantry, which had left their former ground at three in the morning, arrived on the banks of the rivulet about eleven. After so long a march, some time for refreshment was indispensably required. During this interval a proposal was received from the enemy, offering on certain conditions to surrender their guns. The General, eager to stop the effusion of blood, offered immediately to comply with their terms, and allowed them an hour to come to a final determination. In the meantime, the disposition was made for battle. The whole of the infantry was formed on the left, with a view to attack the right flank of the enemy, which,

since the morning had been thrown back to some distance, leaving an interval to the rivulet. The British infantry was formed in two columns, the first destined to turn the right flank of the enemy, and assault the village of Mohaulpoor, the second, to support the first. The cavalry was formed into three brigades, of which one was to support the infantry in the attack of the enemy's right, another was detached to the right of the British army, to watch the enemy's left, avail itself of any confusion, and attack them in their retreat; the third composed the reserve, and was formed in the space between the preceding two. The enemy were drawn up in two lines, which had the village of Mohaulpoor between them on the left, and extended beyond it on the right.

The time for parley being expired, the British infantry moved along the bank of the rivulet, through high grass and broken ground, which afforded cover. The enemy, as soon as the movements of the British columns to turn their flank became visible, threw back their right, forming an acute angle in front with their former position, and rendering it impossible to turn their flanks. As soon as the British columns became exposed to the enemy's cannon, the field-pieces which they had been able to bring up, and the galloper guns attached to the cavalry, formed into four batteries, began also to fire. The cannonade on both sides was very spirited and severe. The King's 76th regiment, which headed the attack, and had often signalized its discipline and courage in India, had arrived, together with a battalion and five companies of native troops, within one hundred paces of the enemy, while the remainder of the column, impeded in its advance, was still at some distance behind. This advanced party were exposed to the enemy's fire; and the men were falling very fast. Thus situated, the General thought it better to advance with them to the attack, than wait till the remainder of the column should be able to form. As soon as they arrived within reach of the enemy's canister shot, a tremendous fire was opened upon them; and their loss was exceedingly severe. The regularity of their advance being disturbed by the severity of the cannonade, the enemy's cavalry were encouraged to charge. The steadiness, however, of "this handful of heroes," as they are justly denominated by their grateful

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commander, enabled them to repulse the assailants with their fire. They rallied, however, at a little distance, and resumed a menacing posture; when the General ordered an attack by the British cavalry. It was performed, with great gallantry and success, by the 29th regiment of dragoons, whose commander, Major Griffiths, was killed by a cannon-shot immediately before the charge. The infantry, at the same time, advanced upon the enemy's line, which they broke and routed. The remainder of the first column of British infantry arrived just in time to join in the attack of the enemy's second line, of which the right had been thrown back in the same proportion as that of the first. Major-General Ware, who commanded the right wing of the British army, fell about the same time by a cannon-shot. After a good resistance, and losing all their guns, the enemy were driven back towards a small mosque in the rear of the village, when the three brigades of British cavalry, advancing upon them from their different positions, charged them with great execution. A column of the enemy on the left attempted to go off in good order with a part of the baggage: but were turned by the brigade of horse which had been detached to the right of the British army, and shared the same fate with the rest of their companions. About two thousand of the enemy, seeing it impossible to escape, threw down their arms, and surrendered themselves prisoners, with the baggage and everything belonging to their camp.

This battle appears to have been gained principally by the admirable discipline and bravery of the 76th regiment. Of the commander, the gallantry was probably more remarkable than the generalship. He was frustrated in two of his plans; in his attack with the cavalry in the morning, and in turning the flank of the enemy in the afternoon; and the victory was gained at last by mere dint of hard fighting, to which the general himself set a conspicuous example. He led the charge of the cavalry in the morning; and at the head of the 76th regiment (which he allowed to come up too soon) conducted in person every operation of the day. Two horses were shot under him; and his son, acting as his aide-de-camp, was wounded by his side, in circumstances resembling those of poetic distress. The son had but just persuaded the father to mount

his horse, after one of his own had fallen under him, pierced by several shots, when he himself was struck with a ball; and at that instant the father was obliged to lead on the troops, leaving his wounded son upon the field.

With seventeen battalions of infantry, the enemy are supposed to have brought into the action more than four thousand horse. Their guns, in number seventy-two, being all taken, were more precisely known. The English loss amounted to 172 men killed, 652 wounded. Three months only had elapsed since General Lake crossed the Mahratta frontier; and not only the whole of that army which the Governor-General had treated as an object of so much apprehension, was destroyed, but the whole of that extensive territory in the region of the Jumna, which the predecessor of Dowlut Rao had so laboriously added to his dominions, was placed in the hands of the English.[1]

[1] Notes, ut supra, p. 251 to 254, 288.—M.

Although the account given of the battle of Laswari, in the official despatches, is repeated verbally in the Notes on the Mahratta War, and Major Thorn's Memoir of the War in India, there is some indistinctness in the early part of the narrative, and it is left doubtful by the Dispatch whether the Mahratta army was attacked by the cavalry before its change of position. There can be no doubt, however, that it was so attacked, but without effect, as the new position was taken up without any serious opposition, by noon. The charge then effected by the advance and first brigade was evidently a failure also; although they broke through the first line, it would seem, that they made no impression on the second, and were exposed to so heavy a fire that it was impossible to form the squadrons for a second attack, and the enemy kept their ground. The statement that the other brigades were unable to discover the enemy, although they fell in with and carried away a few of their guns, is somewhat incongruous, and is incorrect. The third brigade was ordered to turn the right flank of the enemy, and failed not to discover and to feel them, although their guns, being concealed by a high grass jungle, became perceptible only when a tremendous shower of grape and double-headed shot poured upon the advancing squadrons. The cavalry, however, it is said, broke through the line, although the guns were chained together, and charged backwards and forwards three times. Here, again, is some want of precision, as it is added that their battalions, which were drawn up behind a deep intrenchment, kept up a galling fire with musquetry, which did great execution. Their line, therefore, was not broken, although it might have been penetrated by the cavalry, who suffered most severely in these fruitless displays of headstrong valour. It is undeniable, therefore, that until the infantry came into action, the Mahrattas had the best of the day; and after they were attacked by the whole British force, they maintained a stout resistance, and inflicted terrible destruction upon their assailants. It is justly remarked by Major Thorn, that throughout the war, every conflict gave evidence of the improvement made by the natives in military knowledge, through their connexion with the French. On the present occasion the effect of their influence and instruction was fully experienced in the organization of the army of Sindiah, which evinced all the characteristics of European arrangement and discipline. It is worthy of remark, too, that these disciplined battalions were in the battle of Laswari left to themselves. It is doubtful if they had any European officers with them; certainly they had

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During the time of these exploits, the great division of the English army in the south had been employed in the following manner. The strong fortress of Ahmednuggur, held by Sindiah, with its adjoining territory, was the object of the first operations of General Wellesley. He moved from his camp at Walkee on the 8th of August, and, arriving at Ahmednuggur, took the pettah by escalade, on the same day. The English had thirty-three men killed, and eleven wounded. They opened a battery against the fort on the 10th; and on the 11th the Kelledar or Governor offered to negotiate; and on the 12th evacuated the fort, on condition of safety to the persons and private property of the garrison. This acquisition was of some importance; one of the strongest fortresses in India, in good repair, on the frontier of the Nizam, covering Poonah, and a point of support to the future operation in advance.[1]

In taking possession of the districts of 6,34,000 rupees estimated revenue, dependent on Ahmednuggur, and making arrangements for the security of the fort, the General was occupied for several days, and crossed the Godavery only on the 24th. On the same day, Sindiah, and the Rajah of Berar, having ascended the Adjuntee Ghaut, entered the territory of the Nizam with a large body of horse. On the 29th, General Wellesley arrived at Aurungabad, between which place, and the corps under Colonel Stephenson, who had moved to the eastward toward the Badowly Ghaut, the enemy had passed, and had reached Jalnapoor, about forty miles east from Aurungabad.[2] The enemy continued their march in a south-east direction, with a view, as was reported, to cross the Godavery, and march upon Hyderabad. To intercept them in this intention, General Wellesley regained the river, and moved eastward along its northern bank. The enemy, however, soon altered their course, and proceeded to the north of Julnapoor. Colonel Stephenson returned from the eastward on the 1st of September, and on the 2nd

none of character. The cavalry, too, although it has been affirmed that the Mahratta chiefs should have looked to that as their national and only effective force, gave no support to the infantry in this engagement. Thorn's Memoir of the Campaign in Hindustan, 219.—W.

[1] Notes, ut supra, p. 239, 266.—M. Wellington Despatches, i. 299.—W.

[2] Wellington Despatches, i. 344.—W.

attacked and carried the fort of Julnapoor.[1] After this, he made several attempts to bring the enemy to action, and actually surprised their camp on the night of the 9th of September. They continued their northern movement toward the Adjuntee pass, near which they were joined by a detachment, it is said, of sixteen battalions of Sindiah's regular infantry, commanded by two Frenchmen.[2] On the 21st, the divisions of the British army were so near, that the two commanders had a conference, and concerted a plan for attacking the enemy jointly on the morning of the 24th. Colonel Stephenson marched by a western route, General Wellesley by the eastern, round the hills between Budnapore and Jalna. On the 23rd, General Wellesley received intelligence that Sindiah and the Raja had moved off with their cavalry in the morning; but that the infantry, about to follow, were still in camp at the distance of about six miles.

This intelligence, from which the General inferred the intention of the enemy to escape, made him resolve to attack them, without waiting till the following morning for Colonel Stephenson. He found the whole combined army near the village of Assye, encamped on the bank of the Kailna river. His road brought him first in front of their right; but as it was composed almost entirely of cavalry, and the defeat of the infantry was most likely to be effectual, he resolved to attack the left. Marching round, he crossed the River Kailna, at a ford beyond the enemy's left flank; and formed the infantry in two lines, and the British cavalry as a reserve in a third; leaving the Mahratta and Mysore cavalry on the other side of the Kailna, to hold in check a large body of the enemy's cavalry, which had followed the British army from the right of their own position. As soon as the enemy perceived the intention of the British general to attack their left, they changed the position of their infantry and guns. Another stream, called the Juah, of nearly the same size with the Kailna, flowed in a parallel direction: at a small distance beyond it, the enemy formed a line, having its right on the Kailna, and its left on the Juah. This line

[1] Wellington Despatches, 355.

[2] They were joined by the brigades of Col. Pohlman, M. Dupont, and Begum Sumroo. Ibid. 386.—W.

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and that of the British army faced one another; but the enemy formed a second line on the left of their position, nearly at right angles to their first, extending to the rear along the banks of the Juah. The fire of the enemy's guns performed dreadful execution, as the British army advanced. The British artillery had opened upon the enemy at the distance of 400 yards; but the number of men and bullocks that were disabled soon rendered it impossible to bring on the guns; and as they were found to produce little effect, the General resolved to advance without them. The right of the British line was so thinned by the cannon of the enemy's left, that a body of their cavalry was encouraged to charge it. A body of the British cavalry, however, were prepared to intercept them, and they were repelled with slaughter. The steady advance of the British troops at last overawed the enemy, and they gave way in every direction. The cavalry then broke in, and charged them with the greatest effect. The enemy fled, but the force of the English was too small to render the victory decisive. Some of the enemy's corps went off in good order; and Lieutenant-Colonel Maxwell was killed, in charging with the British cavalry a body of infantry, who had again formed, but soon resumed their retreat. Many also of the enemy's guns, which had been left in the rear by the British line as they advanced, were, by a practice common in the native armies of India, turned upon the British by individuals who had thrown themselves as dead upon the ground. The General thought it necessary to take a regiment of European infantry, and one of native cavalry, and proceed in person to stop this fire, which for some time was very severe. His horse in this operation was shot under him. The enemy's cavalry, which had been hovering about during the action, continued for some time near the British line. But at last, the whole of the enemy went off, leaving ninety-eight pieces of cannon, and seven standards, in the hands of the English, with 1200 men, it is said, dead on the field.

It required no ordinary exertion of discipline and courage in the men, to advance with so much steadiness under the carnage of such a fire. The personal courage, too, was abundantly displayed, of the General who led them on. And unless in as far as the wisdom may be questioned,

first, of sacrificing so great a number of men for the only object which could be attained by it; next, of not waiting for the arrival of Stephenson, when the victory would have been attended with much greater, perhaps with decisive effects, the conduct of the action, it is probable, possessed all the merit of which the nature of the case allowed. Of the British army, 428 were killed, 1138 were wounded. As the whole are said to have consisted of only 4500 men, between one third and one half of the whole army were either killed or wounded. This was paying very dear for so indecisive an affair.[1]

Colonel Stephenson, though his march had been retarded by some unexpected impediment, arrived on the 24th; and was immediately sent after the enemy, whom

[1] Notes, ut supra, p. 239, &c. and 280.—M. Despatches, i. 336.
Sir Thomas Munro thus expresses the opinion upon the battle of Assye that was very generally entertained in India:—"If there was anything wrong at Assye it was in giving battle; but in the conduct of the action everything was right. General Wellesley gave every part of his army its full share, left no part of it unemployed; but supported, sometimes with cavalry, sometimes with infantry, every point that was pressed, at the moment that it was most necessary. Life, i. 354. The letter, in which this occurs, is dated February, 1804; his opinion had not been changed, therefore, by the letter of General Wellesley to him of the 1st Nov., 1803, in answer to his objection to the action, that Col. Stevenson had been detached. General Wellesley, in this letter, and in his own remarks on the action, published in his despatches, i. 393, shows that the separate march of his corps and Col. Stevenson's was unavoidable, but that it was so arranged as to have brought them to the point, where, according to their intelligence, the enemy was to be found, at the same time. Owing to a misapprehension of the intelligence, by which the name of a district was confounded with that of a village in it, and the consequent conclusion that they were in the village of Bokerdur, instead of the village of Assye, in the district of Bokerdur, General Wellesley came upon their left wing at the latter village, six miles nearer than the former. Here he learned that they were retreating. He conceived it dangerous to ascertain this by a reconnoissance of part of his force, and to have reconnoitred them with the whole, and then attempted to retire, would have been difficult, if not impossible, in the face of their numerous cavalry; he, therefore, with the promptitude of a resolute judgment, determined to make it a battle. That the loss was so severe was in part attributable to the officer who led the picquets on the right, and was followed by the 79th direct upon the village of Assye, instead of keeping out of the range of the shot, as he was directed, the British commander having determined to manœuvre by his left. The corps on the right were then separated from the left by a large break, and were not only exposed to a terrible cannonade from Assye, but were charged by the enemy's cavalry; to repel this charge the British cavalry were brought into action sooner than was intended. It was thus brought into the cannonade; horses and men were lost; it charged among broken infantry, and separated; the unity of the body was destroyed, and it was no longer possible to use it as had been planned, when it was placed in the third line to pursue and cut up the defeated and broken enemy. From this vindication of his measures it is clear that the action could not have been avoided without mischief, and that the cost of its purchase might have been less but for one of those chances which, according to the historian of the Duke of Wellington's Peninsular campaigns—and we cannot wish for better authority—so frequently influence the fate of battles.—W.

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the state of the troops under General Wellesley rendered him unable to pursue. The enemy had been so little broken or dispersed by their defeat, that they had little to dread, from the pursuit of Colonel Stephenson; and proceeded westward, along the bank of the Taptee, as if they meditated a descent upon Poonah by a march to the southward through the Caserbary Ghaut. General Wellesley imagined that this was a demonstration to prevent a northern movement of the British troops against the city of Boorhanpore, the fortress of Asseerghur, and the rest of Sindiah's places in Candesh. But that General deemed himself sufficiently strong, both to proceed against the places in question, and to watch the movements of the enemy towards the south. Remaining with his own army to the southward, he sent his commands to Stephenson, who had descended the Adjuntee Ghaut, in pursuit of the enemy, to continue his march to the northward, and attack Boorhanpore and Asseerghur. As soon as the plan of the British General came to the knowledge of the enemy, the Raja of Berar and Sindiah separated their armies, the former marching towards Chandore, the latter making a movement to the northward, for the purpose of yielding protection to his threatened possesions. General Wellesley followed to the north, and descended the Adjuntee Ghaut on the 19th of October; Sindiah, upon this, instead of continuing his movement to the north, gave it an easterly direction through the valley formed by the Taptee and Poorna rivers; while the Raja of Berar passed through the hills which formed the boundary of Candesh, and moved towards the Godavery. This seemed to require again the presence of General Wellesley in the south, who accordingly ascended the Adjuntee Ghaut on the 25th of October, and, continuing his march to the southward, passed Aurungabad on the 29th.

In the mean time Colonel Stephenson had easily accomplished the service upon which he had been detached. The city of Boorhanpore was evacuated on his approach; and was entered by the British troops on the 15th of October. On the 17th he marched upon Asseerghur, the importance of which, in the estimation of the people of India, may be conjectured from a name by which it was

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distinguished, the Key of the Deccan. On the 18th Colonel Stephenson attacked the pettah, and of course with success. On the 20th the batteries were opened against the fort, and within an hour the garrison offered to accept the conditions which the British commander had proposed on summoning the place. In this manner the fortress was placed in the hands of the English on the 21st, and with it the whole of Sindiah's dominions in the Deccan. The operations of the army were now turned against Berar. Colonel Stephenson began an easterly movement towards Sindiah; and received the commands of the General to prosecute his march as far as Gawilghur, and lay siege to that, the principal fortress belonging to the Raja of Berar.[1]

In the first week of November, Jeswunt Rao Gorparah, and another person of inferior rank, arrived in the British camp, commissioned, they said, by Sindiah, to treat with General Wellesley on the subject of peace. As soon after the battle of Assye as the 8th of October, the British General had received a letter from one of Sindiah's ministers, requesting that he would send to the enemy's camp, one of the British, and one of the Nizam's officers, to settle the terms of a peace.[2] With this request the General deemed it, on two accounts, inexpedient to comply; first, because the letter bore no stamp of the authority of Sindiah, who might afterwards disavow it; next, because a British officer in the camp of the enemy, and the appearance, on the part of the British, of being petitioners for peace, would reanimate the dejected minds of the enemy's troops. But he expressed his readiness honourably to receive any person whom the confederate chiefs might, for that purpose depute, to the British camp. Several subsequent proposals had been submitted to him, but all, through channels, which the principal might have disavowed. Even Gorparah, and his companion, when requested, at their first conference with General Wellesley, to exhibit their credentials, had none to produce. Though liable to be dismissed with disgrace,

[1] General Wellesley's Despatch, Papers relating to East India Affairs, (printed June, 1806,) No. 24, p. 82.—M. Wellington Despatches, i. 468.—W.

[2] The proposal was not from one of Sindiah's ministers but from Balloojee Koonjur, the Peshwa's most confidential agent, who, notwithstanding the war, continued in Sindiah's camp. For General Wellesley's reply to his letter, see Wellington Despatches, i. 426.—W.

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they were told by the British General, that they might remain in the camp, till they had time to receive from their master those powers which were necessary to enable them to treat, and those documents to substantiate their powers, without which they ought not to have been sent. In the meantime a letter arrived from Sindiah, declaring his intention to send another commissioner, and disavowing Gorparah and his companion. General Wellesley, who believed, in this case, that the master was the impostor, not the servants, sent for the unhappy men, and made them acquainted with the dangerous situation in which they were placed. They convinced him, that, on their part, there was no fiction, and gratefully received his assurance that he would not render them the victims of the duplicity of their master. In the mean time, Gorparah's application for powers, and his account of his reception by the British General, had been received by Sindiah, and determined that unsteady chief to send him the requisite powers. They arrived in the British camp a few hours after the conference on the disavowal had taken place, but were still defective in one essential point;[1] for amendment in respect to which, the General advised Gorparah and his colleague again to apply. In the mean time, he solicited an armistice, and that for both confederates. This, as no ambassador, or expression of a desire for peace, had yet arrived from the Raja of Berar, and as it was impolitic to allow the hostile princes to negotiate in common, Wellesley positively refused, in regard to the other chieftain; but granted to Sindiah for the troops in the Deccan. It was dated on the 23rd of November; requiring, that Sindiah should take up a position agreed upon, and not approach the British camp nearer than a distance of twenty coss. Calculating upon the division of the confederates; finding that the Raja of Berar was proceeding towards his own territories, that the number of troops he had with him was small, and diminishing every day; ceasing, in consequence, to have any apprehension for the territories of the Nizam, Wellesley descended the Ghaut by Rajoora,

[1] They were essentially defective, as they did not enable the envoys to cede any portion of the territory as compensation to the British Government and the allies, which was required as the basis of the pacification. Mahr. Hist. iii. 261. See also Wellington Despatches, i. 495, 514, 522.—W.

with a view to support, and cover the operations of Stephenson against the fort of Gawilghur. The principal part of the army of the Raja of Berar was encamped under the command of his brother, Munno Bappoo, not far from Elichpoor; and the cavalry of Sindiah, who had not yet ratified the armistice, was encamped at about four miles' distance. Colonel Stephenson had advanced as far as Hattee Anderah, on the 28th of November; when, being apprized of the situation of the enemy, and the approach of General Wellesley, he prudently halted, to enable both armies to co-operate in the attack. They joined on the 29th, at a place within sight of the enemy's camp. Upon the approach of the British, the enemy retired; and as the troops had performed a very long march on a very hot day, the General had no intention of pursuit. Bodies of horse were in a little time observed in front. And, on pushing forward the piquets for taking up the ground of encampment, the enemy were distinctly perceived, drawn up regularly on the plains of Argaum. Late as was the period of the day, the General resolved to attack. The distance was about six miles. The British army advanced in a direction nearly parallel to that of the enemy's line, in one column, led by the British cavalry, and covered on the left and rear by the cavalry of Hyderabad and Mysore. The enemy's line extended above five miles. Sindiah's part of the force, consisting of one very heavy body of cavalry, was on the right, having some Pindarees and other light troops on their outward flank. The village of Argaum, with its extensive enclosures and gardens, was in the rear of the enemy's line; in its front was a plain, cut by a number of water-courses. The British army was formed in two lines; the infantry in the first, the cavalry in the second; the British, to support the right, the Mogul and Mysore, the left. The British line was not formed exactly parallel to that of the enemy, but with the right a little advanced, to press upon the enemy's left. Some time was spent in forming the order of battle, because part of the infantry which led the column got into some confusion.[1] As soon as the line was

[1] Three regiments of native infantry, which had behaved admirably at Assye, were panic-struck, broke, and were running off, when the cannonade commenced; General Wellesley was luckily at hand, and was able to rally

formed, the whole advanced in the greatest order. Two regiments on the right were attacked by a large body of Persians, as was supposed, whom they destroyed; a battalion also on the left received and repulsed a charge of Sindiah's cavalry. As the British line advanced, the enemy retired in disorder, leaving thirty-eight pieces of cannon, with their ammunition, in the hands of the assailants. The cavalry continued their pursuit by moonlight; but night rendered it impossible to derive many advantages from the victory. The British loss, in this battle, if battle it may be called, was trifling; total in killed, wounded, and missing, 346.[1]

After the battle of Argaum, the General resolved to lose no time in commencing the siege of Gawilghur. He arrived at Elichpoor on the 5th of December, where he endeavoured to collect information for the attack. Gawilghur stands upon a lofty point of a ridge of mountains between the sources of the rivers Poorna and Taptee. It consisted of two forts; the inner, fronting to the south where the rock is most precipitous; and the outer, covering the former, toward the north-west and north. Upon deliberation, it appeared advisable to make the principal attack upon the northern side. To this service the corps of Colonel Stephenson was destined, having been equipped for that purpose at Asseerghur. On the 7th, both divisions of the army marched from Elichpoor; that under Colonel Stephenson, by a road of about thirty miles in length, through the mountains, the road which led most directly to the point of attack; that under General Wellesley, with all the cavalry, in a different direction, with a view to cover, and if possible assist them, by other attacks on the south and the west. The march of Colonel Stephenson, through the mountains, was attended with almost insuperable difficulties. The heavy ordnance, and stores, were dragged by hand, over mountains, and through ravines, for nearly the whole distance, by roads which it

them and restore the day. He adds, "If I had not been there, I am convinced we should have lost the day. As it was, so much time elapsed before they could be formed again, that there was not daylight sufficient for effecting all that might have been performed." Letter to Major Shawe, Despatches, i. 533.—W.

[1] Lieut. Gov.-Gen. in Council to the Secret Committee, dated 28th Dec. 1803, ibid. p. 297; also Calcutta Gazettes, ibid. p. 290—295.—M. Despatches, i. 528.—W.

had been previously necessary for the troops to make. On the 12th, Colonel Stephenson reached his ground, and at night erected two batteries in front of the north face of the fort. On the same night the troops of General Wellesley constructed a battery on the mountain under the southern gate; but as it was impossible to get up the heavy guns, it proved of little advantage. On the evening of the 14th, the breaches in the walls of the outer fort were practicable. Preparations were made during the day; and the assault was to be given on the following morning. Beside the party destined for the storm, two detachments were led, one toward the southern, another toward the north-west gate, for the purpose merely of drawing the attention of the enemy, as neither of them could get into the fort till the storming party should open the gates. The troops advanced about ten o'clock; and the outer fort was soon in possession of the assailants. The wall of the inner fort was then to be carried. It had not been breached, and attempts were made in vain upon the gate. A place, however, was found, at which the wall might be escaladed, when Captain Campbell mounted with the light infantry of the 94th regiment, and opened the gate. After this the garrison made no resistance. "Vast numbers of them," says the General, "were killed, particularly at different gates." [1]

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While the two great divisions of the British army were thus engaged, the minor objects of the war had been no less successfully pursued.

The detachment of British troops which had been assembled at Allahabad, under the command of Lieutenant-Colonel Powell, for the occupation of Bundelcund, crossed the Jumna, and entered that province, on the 6th of September. The situation of the province at that period was briefly as follows:—

Chuttersaul, having succeeded a long line of Hindu ancestors, in the Rajaship of Bundelcund, of whom a considerable number had existed in the state of vassals to the Mogul throne, availed himself of the decline of that monarchy, not only to re-establish his independence, but enlarge his dominions. Alarmed, however, at the prospect of what was likely to follow from the power and disposi-

[1] Despatches, i. 550.

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tion of his Mahratta neighbours, he sought for protection to his house, by securing the favour of the most powerful of the Mahratta leaders. For this purpose, though the father of a numerous offspring, he adopted Bajee Rao, the first Peshwa, as his son; and left him a third part of his dominions. The rest he divided equally between two of his sons. Further subdivisions took place in succeeding generations. Jealousies arose among the different branches of the family; and wars ensued. The country, as was the habitual state of Hindu countries, was perpetually ravaged by hostile contentions; and at last so much enfeebled, that it offered an easy prey to any invader.

While Sindiah made his conclusive attempt, in 1786, upon the expiring sovereignty of Delhi, the Peshwa joined in the expedition, with a view of joining also in the plunder. His object was to obtain the Doab, or district between the Jumna and Ganges; and he placed Ali Bahaudur, the grandson, by an illegitimate father, of Bajee Rao, the first Peshwa, whom he destined to govern it in his name, at the head of the troops whom he sent to join in the expedition. In the course of the enterprise, a breach ensued between Sindiah and Ali Bahaudur, who was joined by another chief, named Raja Himmut Bahaudur.[1] Frustrated in their views upon the Doab, which Sindiah destined, probably from the beginning, for himself, these two chieftains directed their arms against Bundelcund. From the distracted state of the country, it was speedily overrun, and apparently subdued; but in a mountainous region, where every village was a fortress, the authority of the Mahratta government was not easily, indeed never completely, established. Ali Bahaudur agreed to yield obedience and tribute to the Peshwa, the latter of which was never in his power. He died in 1802, having spent fourteen years without completing the reduction of Bundelcund, one of the fortresses of which, the celebrated Callinger, he was fruitlessly besieging at the time of his death. His son, Shumshere Bahaudur, eighteen years of age, was then resident at Poonah; and the Raja

[1] Himmut Bahadur was a religious character, or Gosain, and also a soldier of fortune, who was first in the service of the Nawab of Oude. He availed himself of the state of anarchy of Bundelkand to establish himself in the province, and is said to have invited Ali Bahadur to invade it.—W.

Himmut Bahaudur, who had always retained a great share of power, and who now found the government at his disposal, appointed a distant relation of the family regent during the absence of the prince.[1] In this situation were the affairs of Bundelcund, when the Peshya was driven from Poonah, and the war broke out between the British government and the Mahratta chiefs.

In the month of August, 1803, certain alterations were agreed upon between the British government and the Peshwa, in the terms of the treaty of Bassein. Of these the principal were, that the English, in lieu of some of the ceded districts, and as a compensation for an additional number of subsidized troops, should accept of territory in Bundelcund, which it remained for them to subdue, yielding, by estimate, a revenue of 36,16,000 rupees.[2] As Himmut Bahaudur, in the probable success of the English, anticipated the loss of his own power, he ingeniously resolved to assist them in their project, on condition of obtaining an advantageous indemnity to himself. He was accordingly ready, with a force of about 13,000, or 14,000 men, as soon as the detachment of the British army entered the territory of Bundelcund. He joined the detachment on the 15th of September; on the 23rd they arrived, in conjunction, on the bank of the river Cane; and found the troops of Shumshere Bahaudur, a considerable force, encamped on the opposite side. After reducing several forts, and establishing the British authority in the adjacent district, they crossed the Cane on the 10th of October; and on the 12th gâve battle to Shumshere Bahaudur; who retreated with loss, and shortly after, despairing of his ability to maintain the contest, crossed the river Betwa, and retired from the province.

For seizing the province of Cuttack, a part of the

[1] The circumstances are, elsewhere, somewhat differently related. The uncle of Shamsher Bahadur, Ganee Bahadur, placed on the musnud another of his nephews, Zulphikar Ali, an infant, intending to establish his own authority under the title of Regent, with the concurrence of Himut Bahadur. Shamsher Bahadur, however, with the sanction of Amrut Rao, whilst temporary Peshwa, proceeded to Bundelkand, threw his uncle into confinement, and assumed the sovereignty. Himut Bahadur, although he is said to have invited the Raja into the country, and to have aided him in the recovery of his rights, became alarmed at his violence, and sought his own safety by proposing to the British to enter into the province, and co-operated with them in its subjugation. Memoir on Bundelcund, Asiat. An. Reg. 1806. Pogson's Account of the Bundelas.—W.

[2] Letter, ut supra. Ibid. p. 200, 535.

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northern division of the Madras army, doing duty in the Northern Circars, was destined to march from Ganjam, and to be reinforced by a detachment of 6216 men from Bengal. Of this detachment, a body of 854 were collected at Jalasore, to be ready to penetrate into Cuttack, as soon as the movements of the principal force should render it necessary; 521 were to take possession of Balasore; and 1300 were to occupy a post at Midnapore, with a view to support the detachments at Jalasore and Balasore, and afford protection to the Company's frontier against any sudden incursion of the Raja's horse. Lieutenant-Colonel Campbell, the officer chosen to conduct this expedition, having been seized with an illness which threatened his life, Lieutenant-Colonel Harcourt was appointed to act in his stead.

The troops marched from Ganjam on the 8th of September, and on the 14th took possession of Manickpatam, whence the Mahrattas fled upon their approach. Application was made to the Brahmens of Juggurnaut to place the Pagoda under British protection; and with this they complied. The next object was Cuttack; but the inundations produced by the rains allowed not the march to begin before the 24th of September, and even then rendered it so laborious and slow, being also, in some degree, harassed by the parties of the enemy's horse, that it was not completed before the 10th of October. The town yielded without resistance, and operations were begun for the reduction of the fort. Of the other detachments, that appointed to take possession of Ballasore had there landed on the 21st of September, and soon overcame all the resistance by which it was opposed. The detachment formed at Jalasore left that place on the 23rd of September, and on the 4th of October arrived without opposition at Ballasore. On the 10th of that month, a force of 816 men marched from Balasore, by order of the Governor-General, to aid Lieutenant-Colonel Harcourt in the reduction of Cuttack. Barabutty, the fort of Cuttack, was a place of considerable strength, and had only one entrance, by a bridge, over a wet ditch of enormous dimensions. A battery, which opened on the morning of the 14th, in a few hours took off nearly all the defence, and silenced the guns on one side, when it was resolved immediately to try

the assault. In passing the bridge, the storming party, headed by Lieutenant-Colonel Clayton, were exposed to a heavy, but ill-directed fire of musquetry from the fort; and forty minutes elapsed before they succeeded in blowing open the wicket, at which the men entered singly. Two other gates were forced open after some resistance; when the enemy hastened to abandon the fort. The fall of this place delivered the whole of the province of Cuttack into the hands of the English.[1]

The conquest of Sindiah's territories in Guzerat was made by a force from Bombay, consisting of one European regiment, with a proportion of artillery and sepoys commanded by Lieutenant-Colonel Woodington. They marched from Baroda on the 21st of August, and encamped within two miles of Baroach on the 23rd. Though the next day, when the English advanced upon the place, the enemy were seen posted, as for resistance, in front of the pettah, they were soon compelled to retreat within the fort. Next morning, Colonel Woodington took possession of the pettah; and on the 29th, the breach in the fort was reported practicable. The storming party were led by Captain Richardson, and displayed the virtues seldom wanting in British troops on such an occasion. The enemy resisted with considerable spirit, for a little time; but then fled, with slight loss to the assailants. After the capture of Baroach and its dependencies, yielding a revenue of eleven lacs of rupees, Colonel Woodington proceeded against Champaneer, the only district which Sindiah now possessed in the province of Guzerat. It was defended by a fort, on Powanghur, one of the detached hills, which form so many places of great natural strength in India. Campaneer, the pettah, was carried by assault with inconsiderable loss. At first the Kelledar of the fort refused to surrender; but, on the 17th of September, when preparations were made for the assault, he capitulated, and the fort was occupied by the British troops.[2]

The Mahratta chieftains were now eager to escape by negotiation the ruin which their arms were unable to avert. On the evening of the 30th of November, the day after the battle of Argaum, a vakeel arrived, bearing a letter from

[1] Letter ut supra, Ibid. 243—5.—M. Despatches, iii. 373, 430.—W.
[2] Letter, ut supra. Ibid. p. 243.—M. Despatches, iii. 416, 432.—W.

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the Raja of Berar, and requesting a conference with the British General. First, a discussion arose about the origin of the war; the vakeel maintaining that the British government, General Wellesley maintaining that the Raja, was the aggressor. The vakeel alleged, that the war commenced, because the Raja did not obey the orders of Colonel Collins, in withdrawing with his troops: Wellesley affirmed that the war commenced, because the Raja, along with Sindiah, had assumed a position which threatened the British allies. The vakeel contended that the troops of the Raja were on his own territory: that his presence there was necessary, both because the contest between Sindiah and Holkar was destructive to Hindustan, and because the Peshwa had made a treaty with the English, contrary to the custom of the Mahratta states. Wellesley replied, that for mediation between Sindiah and Holkar, the position taken by the Raja was unnecessary, and that with the treaty of the Peshwa the English would give him no leave to interfere. The vakeel, as the representative of the weakest party, at last declared, that, however the war began, his master was very desirous of bringing it to an end. He was then questioned about his powers, but said he had only a commission to learn the wishes of the British General, and to express the desire of the Raja to comply. Compensation for the injuries of aggression and for the expenses of the war was declared to be the only basis on which the English would treat. The vakeel applied for a suspension of arms, which was absolutely rejected; and leave to remain in camp, till he should receive powers sufficient to treat, which was also refused, and he was advised to take up his intermediate residence in some of the neighbouring towns.

A second conference took place on the 9th of December, when the vakeel produced letters from the Raja, expressing assent to the conditions which the British General had presented for the basis of negotiation. The cessions demanded by the English, to effect the stipulated compensation, were then described. For the Company, the whole of the province of Cuttack, including the port of Balasore. For their ally the Nizam, the country lying between his own frontier and the river Wurda to the eastward, and between his own frontier and the hills in

which are situated the forts of Gawilghur and Nernulla, to the northward; together with renunciation of all the claims which the Raja might have ever advanced on any part of his dominions. And for their other allies, any of the Zemindars and Rajas, the tributaries or subjects of the Raja, with whom the English had formed connexions during the war, the confirmation of all their engagements. The vakeel exclaimed against the exorbitance of these demands, which were sufficient, he said, not only to reduce, but entirely to destroy the state of his master.

Major General Wellesley replied, that "the Raja was a great politician; and ought to have calculated rather better his chances of success, before he commenced the war: but that having commenced it, it was proper that he should suffer, before he should get out of the scrape." [1]

After several discussions, in which General Wellesley relaxed only so far as to reserve to the Raja the forts of Gawilghur and Nernulla, with contiguous districts yielding four lacs of annual revenue, the terms of the treaty were arranged on the 16th, and signed by the British General and the Mahratta vakeel, on the 17th of December, 1803. The forts were left to the Raja, as not being calculated to be of much advantage to the Nizam, while they were necessary to the Raja for coercing the predatory people on the hills; and the contiguous districts were granted, in order to leave him an interest in restraining the depredators, to whose incursions these districts, together with the rest of the adjoining country, were continually exposed. Of the country to which the Raja was thus obliged to resign his pretensions, he had possessed but a sort of divided sovereignty, in conjunction with the Nizam. It was originally a part of the Subah of the Deccan; but the Mahrattas had established over it a claim, at first to one-fifth, afterwards by degrees to one-half, at last to four-fifths, and in some parts to the whole, of the revenues. Though an extensive and fertile country, it was not, however, computed that the Raja had annually realized from it more than thirty lacs of rupees.

[1] Memorandum transmitted by General Wellesley to the Governor-General of the conferences between him and the Ambassador of the Raja of Berar. Papers relating to East India affairs (printed by order of the House of Commons, June, 1806), No. 25, p. 124.

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To some other articles; as, the exclusion from his service of Europeans and Americans, the mutual appointment of resident ambassadors, and the renunciation of the confederacy; scarcely any objection was experienced on the part of the Raja.[1]

If he had not prevented further hostilities by compliance, the British General was prepared to pursue him to Nagpoor, the capital of his dominions, while the troops in Sumbulpore and Cuttack were ready to co-operate, and General Lake, having subdued all opposition in Hindustan, was at liberty to detach a force into Berar.[2]

At the very time of negotiation, the Governor-General prepared a copious delineation of his views respecting the objects to be obtained by concluding treaties of peace with the belligerent chiefs, and sent it, bearing date the 11th of December, under title of Instructions, to General Wellesley. Even now the formation of what is called a defensive alliance with Sindiah, that is, the substitution in the service of Sindiah of the Company's troops to Sindiah's own troops, was an object of solicitude with the British ruler: And he prepared two plans of concession; one on the supposition of his accepting; another on the supposition of his rejecting, the proposition of a subsidiary force. The singular part of the offer was, to maintain the subsidiary force, if equal to that which was placed at Hyderabad, without any expense to Sindiah, and wholly at the Company's expense; for it was distinctly proposed, that for the expense of that force, no assignment of territory beyond that of which the cession would at all events be exacted of him, nor any other funds whatsoever, should be required.[3]

By the ratification of the treaty with the Raja of Berar the whole of the forces under General Wellesley were free to act against Sindiah: the troops which had been employed in reducing the possessions of that chief in Guzerat, having accomplished that service, were now ready to penetrate into Malwa to his capital, Ougein, for which purpose they had actually marched to the frontier of Guzerat: and the detachment which had been prepared by

[1] Memorandum, ut supra; Letter of General Wellesley to the Governor-General; and copy of the treaty. Ibid. p. 122—132.
[2] Notes relative to the peace. Ibid. p. 183.
[3] Instructions of Governor-General, parag. 62. Ibid. p. 121.

General Lake to co-operate in the subjugation of Berar, might now commence operations on the unsubdued dominions of Sindiah.[1]

It was not till the 8th of December that the various artifices of that chieftain, to procrastinate, and to evade the proposition of admitting compensation as the basis of negotiation, were terminated. His vakeels insisted that, as his losses were still greater than those of the English, if compensation were the question, it was to him that the greater compensation would be due. It was answered, that he was the aggressor. But this was the point in debate; this was what Sindiah denied. He was given, however, to understand, that he was the unsuccessful party, and of this he had a bitter and certain experience. A long discussion ensued on the cessions to which, under the title of compensation, the English laid claim. A further conference took place on the 11th. Other conferences followed, on the 24th, the 26th, and the 28th; when compliance was expressed with the terms, from which it was found that the English would not recede. On the following day, the treaty was signed. The Maharaja ceded all his rights of sovereignty, in the country between the Jumna and the Ganges, and to the northward of the territories belonging to the Rajas of Jeypoor, Jodepoor, and Gohud; he ceded the fort and territory of Baroach; the fort and territory of Ahmednugger; all the possessions which he had held on the south side of the Adjuntee hills to the Godavery river; all claims upon his Majesty Shah Aulum, or to interfere in his affairs; and all claims of every description upon the British government, or any of its allies, the Subahdar of the Deccan, the Peshwa, and Anund Rao Gaekwar. Provision was made for the independence of all those minor states, in the region of the Jumna, which had formerly borne the yoke of Sindiah, but had made engagements with the English during the recent war. The fort of Asseerghur, the city of Boorhanpore, the forts of Powanghur, and Gohud, with the territories depending upon them, were restored. Sindiah was also allowed to retain certain lands in the vicinity of Ahmed-

[1] Notes relative to the peace with the confederate Mahratta chieftains. Ibid. p. 341.—M. Despatches, iii. 497.—W.

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nugger; and within the cessions which he had made in the north, his claims were allowed to certain lands which he represented as the private estates of his family, and to the possession of which none of the rights of sovereignty were to be annexed. Certain Jaghires and pensions, which Sindiah or his predecessor had granted to individuals, either of their family, or among their principal servants, in the ceded countries, or upon their revenues, were confirmed, to the amount of seventeen lacs of rupees per annum. Sindiah most readily engaged not to receive into his service any Frenchman, or the subject of any European or American power, that might be at war with the British government. Lastly, an article was inserted, leaving the way open to form afterwards an additional treaty for a subsidiary alliance; which, in this case, was not to be subsidiary; for the English government stipulated to afford the troops their pay and subsistence, without compensation either in money or land.[1]

Of these cessions, it was agreed, between the British government and its allies, that the territory situated to the westward of the River Wurda and the southward of the hills on which were the forts of Gawilghur and Nurnulla, together with the territory between the Adjuntee hills and the River Godavery, should belong to the Nizam; that Ahmednugger and its territory should belong to the Peshwa, to whose capital it so nearly approached; and that all the rest should belong to the English. The minor princes in the region of the Jumna, who formerly bore

[1] The reasons for this measure are thus explained by General Wellesley: "Under these circumstances," (the inability of Sindiah, with his reduced resources, to resist Holkar,) "I thought it expedient to hold forth to Sindiah an option of becoming a party to the general defensive alliance; and as a further inducement to him to agree to that treaty, to engage that the assistance to be given to him should occasion no further diminution of his revenues. I was induced to make this last engagement by the consideration that Sindiah would not agree to the treaty of general defensive alliance, although his ministers proposed that he should unite himself more closely with the Company, if he was to be obliged to pay for the assistance which he should receive; and that, if he does agree to that treaty, the peace of India is secured as far as it can be by human means. I have every reason to believe also, that when Sindiah will wind up his affairs at the close of this war, he will not have a disposable clear revenue, such as the British Government would require to pay the expenses of the force which might be given to him." Wellington Despatches, i. 561. The reasons, therefore, were simply that Sindiah would not, and could not bear the cost of the subsidiary force; and as it was considered an object of great political importance that it should be furnished, the British Government necessarily applied to it a portion of the revenue which they had taken away from Sindiah.—W.

the yoke of Sindiah, and whom it was the policy of the Governor-General now to render dependent upon the British government, and to form of them a sort of barrier on the British frontier against any aggression of the Mahratta powers, were the Rajas of Bhurtpore, Jodepore, Jyepoor, Macherry, and Boondee, the Rana of Gohud, and Ambajee Rao Inglia.

With the first five of these minor princes, who were already in possession of acknowledged sovereignties, treaties of alliance were formed, on condition that the English should take no tribute from them, nor interfere in the affairs of their government; that, in case of the invasion of the Company's territory, they should assist in repelling the enemy; and that the Company should guarantee their dominions against all aggression, they defraying the expense of the aid which they might receive. The case of the remaining two chieftains required some further arrangements. The Rana of Gohud had been dispossessed of his territories by Sindiah; and all of them, together with the neighbouring districts, had been consigned to Ambajee, one of Sindiah's leading commanders, as renter. Ambajee had deserted Sindiah during the war; and it was now determined to make a partition, in sovereignty, of the territories which he rented, between him and the Rana of Gohud, reserving the fort and city of Gualior to the Company. The same condition was contracted, as in the case of the other three princes, respecting mutual defence; but it was appointed that three battalions of the Company's sepoys should be stationed with the Rana, and paid for by him, at the rate of 75,000 rupees a month.[1]

The condition to which Sindiah was reduced, by the war, and by the sacrifices which he had made for the attainment of peace, excited in his breast the liveliest apprehensions with regard to the power and designs of Holkar; and he now applied himself in earnest to interpose, if possible, the shield of the Company between

[1] Memorandum of the conferences between Major-General the Hon. Arthur Wellesley, and the Ambassadors of Dowlut Rao Sindiah; Letter from General Wellesley to Governor-General; Treaty of peace with Sindiah; and treaties with the Rajas of Bhurtpore, &c. Ibid. p. 132—164; and the Governor-General's "Notes relative to the peace concluded between the British Government and the confederate Mahratta chieftains, and to the various questions arising out he terms of the pacification." Ibid. p. 177—199.

himself and this fortunate antagonist. By one expedient alone, was he permitted to hope, that this important object could be attained; by entering into the system of general alliance, and subsidiary defence. It was agreed, accordingly, that Major Malcolm should repair to the camp of Sindiah, to settle the terms of a treaty of this description. The business was accomplished, and the treaty signed at Boorhanpore on the 27th of February, 1804. There were two remarkable circumstances. One was, the price which the Governor-General consented to pay for the supposed advantage of placing a body of British troops at the disposal of Sindiah, and pledging the English government for his defence. The amount of the force defined by the treaty was 6000 infantry, and the usual proportion of artillery. These troops were to be maintained entirely at the expense of the English government, with the proceeds of the newly-acquired dominions; and that they might not establish an influence in Sindiah's government, they were not even to be stationed within his territory, but at some convenient place near his frontier within the Company's dominions. The other remarkable circumstance was, not the condition by which the English government made itself responsible for the defence of the dominions of Sindiah, but that, by which it engaged to make itself the instrument of his despotism; to become the executioner of every possible atrocity towards his own subjects, of which he might think proper to be guilty. It bound itself, by an express stipulation, not to interfere between him and his subjects, how dreadful soever his conduct in regard to his subjects might be. But the moment his subjects should take measures to resist him, whatsoever the enormities against which they might seek protection, the English government engaged, without scruple and without condition, to act immediately for their *suppression and chastisement.* Where was now the doctrine of the Governor-General for the deposition of princes whose government was bad? Where was the regard to that disgrace which, as he told the princes whom he deposed, redounded to the British name, whenever they supported a government that was bad?[1]

[1] This virtuous indignation is not called for by the stipulations of the treaty. The British government engaged not to give support to Sindiah's relations.

In forming his connexions with other states, either for war or peace, the Maharaja bound himself to the slight condition of only consulting with the Company's government, but by no means of being governed by its decisions; and in any war to be carried on by their mutual exertions it was agreed, without any mention made of the proportion of troops, that in the partition of conquests the shares should be equal. The stipulation with regard to Frenchmen and other Europeans, or Americans, was made still more agreeable to the taste of the times; for it was promised by Sindiah that he would allow no such person to remain in his dominions without the consent of the Company's government.[1]

The Governor-General seemed now to have accomplished the whole of his objects; and lofty was the conception which he formed of the benefits attained. The famous official document, which has been already quoted, "Notes relative to the peace concluded between the British government and the confederate Mahratta chieftains," concludes with "a general recapitulation of the benefits which the British government in India has derived from the success of the war, and from the combined arrangements of the pacification, including the treaties of peace, of partition, and of defensive alliance and subsidy." It exhibits them under no less than *nineteen* several heads: 1. The reduction of the power and resources of Sindiah and the Raja of Berar; 2. The destruction of the French power; 3. The security against its revival; 4. The annexation to the British dominions of the territory occupied by Perron; 5. The annexation of other territories in the Doab, and the command of the Jumma; 6. The deliverance of the Emperor Shah Aulum from the control of the French; 7. The security and influence derived from the

dependants, military chiefs, and servants, with respect to whom the Maharaja was absolute, and to assist in reducing and punishing them on his requisition if they rebelled or acted in opposition to his authority (Article 8). A previous article, however, provides that the subsidiary force is not to be employed on trifling occasions (Article 6). A clause which implies the exercise of the judgment of the British government as to the occasions on which its troops were to be employed; a discretionary power also involved in the presence of the Resident. It is not true, therefore, that the treaty binds the British to act immediately against the Raja's subjects without scruple, or without condition.—W.

[1] Treaty of alliance and mutual defence. Ibid. p. 164.

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system of alliance with the petty states along the Jumna against the Mahrattas; 8. The security and influence derived from the possession of Gualior, and the subsidiary force established in Gohud; 9. The means of defence derived from these same fountains against any other enemy on the north-western frontier; 10. The advantages both in security and wealth derived from Cuttack; 11. The advantages derived from the possession of Baroach, which left Sindiah no direct communication with the sea, or with the transmarine enemies of the British government; 12. The security derived from Baroach against the intrigues of the French with any native state; 13. The additional security bestowed upon the British interests in Guzerat, by the possession of Baroach, and the abolition of Sindiah's claims on the Gaekwar; 14. The revenue and commerce derived from Baroach; 15. The benefits bestowed upon the Peshwa and Nizam; 16. The increased renown of the British nation, both for power and virtue; 17. The "defensive and *subsidiary*[1] alliance" with Dowlut Rao Sindiah; 18. The power of controlling the causes of dissension and contest among the Mahratta states; the power of keeping them weak; the power of preventing their combination with one another, or with the enemies of the British state; 19. The security afforded to the Company and its allies from the turbulence of the Mahratta character and state.[2]

This is exhibited as an instructive specimen of a good mode of making up an account.

After this enumeration, the document breaks out into the following triumphant declaration:—"The general arrangements of the pacification, combined with the treaties of partition, with the defensive and subsidiary alliance now concluded with Dowlut Rao Sindiah, with the condition of our external relations and with the internal prosperity of the British empire; have finally placed the British power in India in that commanding position with regard to other states, which affords *the only possible security for the permanent tranquillity and prosperity of these valuable and important possessions.*"

It is material here to mark, what is thus solemnly

[1] Subsidiary it could not well be, when he paid no subsidy.
[2] Papers, ut supra, p. 197, 198. Despatches, 4, 132.

declared, by one of the most eminent of all our Indian rulers, that without that artificial system, which he created, of subsidiary troops, and dependence, under the name of alliance, there is no such thing as security for "the British empire in the East." [1] 1803.

The document goes on to boast, that the troops, thus bestowed upon the Peshwa, the Nizam, Sindiah, the Gaekwar, and Rana of Gohud, would exceed 24,000 men; that all these would be maintained at the expense of those allies, which was incorrect, as Sindiah paid nothing for the 6000 allotted to him; that this amount of troops would always be maintained in a state of perfect equipment, and might be directed against any of the principal states of India, without affecting the tranquillity of the Company's possessions, or adding materially to its expenses.

It then declares:—"The position, extent, and equipment of this military force, combined with the privilege which the British government possesses of arbitrating differences and dissensions between the several states with which it is connected by the obligations of alliance, enable the British power to control the causes of that internal war which, during so long a term of years, has desolated many of the most fertile provinces of India; has occasioned a constant and hazardous fluctuation of power among the native states; has encouraged a predatory spirit among the inhabitants; and formed an inexhaustible source for the supply of military adventurers, prepared to join the standard of any turbulent chieftain for the purpose of ambition, plunder, or rebellion. No danger can result from the operation of our defensive alliances, of involving the British government in war; excepting in cases of manifest justice and irresistible necessity. The power of arbitration, reserved in all cases by the British government, not only secures the Company from the contingency of war, in the prosecution of the unjust views of any of our allies, but affords a considerable advantage in authorizing and empowering the British government to check, by amicable negotiation, the primary and remote sources of hostilities in every part of India." [2]

When extracted from these sounding words, the mean-

[1] Contrast with it the opinions of his successor. Vide infra.
[2] Papers, ut supra, p. 198.

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ing is, that the British government in India had obtained two advantages: 1. An enlargement of revenue: 2. Increased security against the recurrence of war, or the evils of an unsuccessful one.

1. Additional revenue is only useful, when it is not balanced by an equal increase of expense. The Governor-General talks loudly of the additional revenue; but not a word of the additional expense. If we had no more evidence but this, it would be a legitimate inference, that the expense was omitted, because it would not have been favourable to his argument to speak of it. We have abundant general evidence that the expense of governing enlarged territory, in almost all places, though more especially in India, equals, or more frequently surpasses, all the revenue which it is possible to draw from it. We shall presently see in what degree the facts of the present case conform to the general rule. If it turns out that the expense of governing the new territory is equal to its revenue, it follows that the enormous expense of the war, generated by the treaty of Bassein, and by the passion of the Governor-General for subsidiary alliances, remained altogether without compensation on the score of money.

2. Let us inquire, if there is more solidity in the alleged advantage, in which, single and solitary, the whole compensation for the war remains to be sought, viz., security against the evils of war.

Now, at first view, it would appear that an obligation to defend a great number of Indian states, an obligation of taking part in all their miserable and never-ending quarrels, was of all receipts the most effectual, for being involved almost incessantly in the evils of war.

This increased exposure to the evils of war was far outweighed, according to the Governor-General, by the power of preventing war through the influence of the subsidiary troops.

Unfortunately the question which hence arises admits not of that degree of limitation and precision which enables it to receive a conclusive answer. The probabilities, though sufficiently great, must be weighed, and without any fixed and definite standard.

One thing, in the mean time, is abundantly certain, that if the East India Company was able to keep any Indian

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state from going to war, this must have been, because it was the master of that state, because that state was dependent upon the East India Company, and bound in all its concerns to obey the Company's will. But if this were the case, and if the native governments were thus deprived of all independent power, infinitely better would it have been to have removed them entirely. Two prodigious advantages would thus have been gained; the great expense of keeping them would have been saved; and the people in the countries under them would have been delivered from the unspeakable miseries of their administration; miseries always increased to excess by the union of a native with the British, government. But, to place this question on the broadest basis: the policy of taking the whole of the Mahratta country immediately under the British government, would either have been good, or it would have been bad. If it would have been good, why was it not followed: when the power was not wanting, and when the right of conquest would have applied with just as much propriety to the part that was not done, as the part that was? If it would not have been good policy to take the whole of the Mahratta country under the British government; in other words, to have had the responsibility of defending it with the whole of its resources; it was surely much worse policy to take the responsibility of defending it, with only a part of those resources.

Another question, however, may be, not whether something better than the defensive alliances might not have been done, but whether something might not have been done that was worse; whether, if the government of the Mahratta princes was not entirely dissolved, it was not better to bind them by defensive alliances, than to leave them unbound; whether according to the Governor-General, the British state was not more exempt from the danger of war, with the alliances, than without them.

To answer this question, it must be maturely considered, under what danger of war the British government would have been placed, without the alliances. It is not the way to arrive at a just conclusion, to set out without allowing that this danger was just anything which any body pleases. It may be pretty confidently affirmed, that

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with good government within their own territories, under the known greatness of their power, the English were almost wholly exempt from the danger of war; because, in this case, war could reach them through but one medium, that of invasion; and from invasion, surely, they had little to dread.

Allowing then, that the subsidiary alliances were a scheme calculated to prevent the danger of war; as far as regards the British government, there was little or nothing of that sort to prevent; the subsidiary alliances were a great and complicated apparatus, for which, when got up, there was nothing to do; a huge cause prepared when there was no effect to be produced.[1]

This is decisive in regard to the practical question. In speculation, another question may still be raised; namely, whether, if the British state had been exposed to the danger of wars, the scheme of the subsidiary alliances was a good instrument for preventing them. In India, as in all countries in corresponding circumstances, one thing saves from aggression, and one thing alone, namely, power; the prospect which the aggressor has before him, of suffering by his aggression, rather than of gaining by it. The question, then, is shortly this; did the subsidiary alliances make the English stronger, in relation to the princes of India, than they would have been without those alliances?

The subsidiary alliances yielded two things; they yielded a portion of territory; and they yielded a certain position of a certain portion of British troops. In regard to the territory, it may, at any rate, be assumed, as doubtful, whether, in the circumstances of the British state, at the time of the treaty of Bassein, it could be rendered intrinsically stronger by any accession of territory; since, by Act of Parliament, the question stands decided the opposite

[1] The Governor-General, indeed, takes it as one of his benefits, that the native states would be restrained from war among themselves. But he does not inform us to whom the benefit would accrue. If the English were secure from aggression, the wars of the native princes were of no importance to them. If humanity is pretended, and the deliverance of the people from the horrors of war, it is to be replied with dreadful certainty, that under the atrocities of a native government supported by British power, the horrors of peace were no improvement upon the horrors of war. The sufferings of the people under the Nabobs of the Carnatic and Oude were described by the English government itself, perhaps with some exaggeration, as unmatched in any portion of India.

way: much more, then, is it doubtful, whether it could be rendered stronger by an accession of territory, which imported the obligation and expense not merely of defending itself, but of defending the whole kingdom to which it was annexed. It will not, then, be assumed, that the mere territory gotten by the English was the circumstance looked to for preventing the evils of war. If it was that, the territory might have been taken without the alliances.

The only remaining circumstance is, the position of the troops. For, as to the other conditions, about not holding intercourse with other states except in conjunction with the English, these were merely verbal; and would be regarded by the Indian governments, just as long, as they would have been regarded without the alliance; namely, as long as the English could punish them, whenever they should do what the English would dislike.

Now, surely, it is not a proposition which it will be easy to maintain, that a country is stronger with regard to its neighbours, if it has its army dispersed in several countries; a considerable body of it in one country, and a considerable body in another, than if it has the whole concentrated within itself; and skilfully placed in the situation best calculated to overawe any neighbour from whom danger may be apprehended. There are many combinations of circumstances in which this would be a source of weakness much more than strength.

If it is said, that the position of the English subsidiary troops, with a native prince, imported the annihilation, or a great reduction, of his own force; this, in the circumstances of India, cannot be regarded as a matter of almost any importance. In a country swarming with military adventurers, and which fights with undisciplined troops, an army can always be got together with great rapidity, as soon as a leader can hold out a reasonable prospect that something will be gained by joining his standards. The whole history of India is a proof, that a man who is without an army to-day, may, if he has the due advantages, to-morrow (if we may use an eastern hyperbole) be surrounded by a great one. Of this we have had a great and very recent example, in the army with which Holkar, a

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mere adventurer, was enabled to meet, and to conquer Sindiah, the most powerful native prince in India.

It was, in a short time, as we shall see, found by the British government itself, that it could regard the presence of subsidiary troops as a very weak bridle in the mouth of a native prince, when he began to forget his own weakness. The weakness, in fact, was the bridle. If he remained weak, that was enough, without the subsidiary troops. If he grew strong, the subsidiary troops, it was seen, would not long restrain him.

I cannot aim at the production of all those circumstances, on both sides of this question, which would be necessary to be produced, and to be weighed, to demonstrate accurately the probabilities of good or of evil, attached to such a scheme of policy, as that of the subsidiary alliances of Governor-General Wellesley. I have endeavoured to conduct the reader into the paths of inquiry; and leave the question undecided.

In summing up the account of the treaty of Bassein, we can only, therefore, approach to a determinate conclusion. On the one side, there is the certain and the enormous evil, of the expenditure of the Mahratta war. Whether the subsidiary alliances, which were looked to for compensation, were calculated to yield any compensation, and did not rather add to the evils, is seen to be at the least exceedingly doubtful. The policy of the treaty of Bassein cannot, therefore, be misunderstood.[1]

[1] That many of the consequences of the Mahratta war, enumerated by Lord Wellesley were real and permanent political advantages to the British dominion in India cannot be questioned. The power of the principal Mahratta chiefs was reduced, and their military reputation destroyed; in the like proportion the power of the British government was augmented, and its renown enhanced; and an immense stride was effected towards that exalted position in which it now stands as the paramount sovereign of Hindustan. That Great Britain reaps substantial benefits from its ascendancy will be scarcely disputed. That India derives benefit from it is also undeniable, although it may not be of that value which the English, who are the greatest gainers, are fond of representing it. That the Governor-General was mistaken in his anticipations of at once preserving perpetual tranquillity, subsequent events sufficiently proved; and it would be an impeachment of his humanity and justce to suppose that he could have foreseen the disastrous results which his treaties of defensive alliance inflicted on those princes who were tempted or compelled to become his allies. He did not make a sufficient allowance for the reluctance with which it is natural for man in every station of life to part with independence, and especially for princes to relinquish the authority they have received from their predecessors. The nature of the subsidiary connexion imposed upon the subsidized prince a state of subjection to which he could scarcely be expected cheerfully to submit; and the vain attempts made by him to shake off his fetters, either riveted them more firmly, or terminated in his annihila-

tion. It is true that the conditions of a subsidiary alliance leave to a native prince the power of ruling his own subjects with benignity, wisdom, and justice. There is no reason why he should be a sensualist or an oppressor because he has not an army at his command. Such, however, is human nature in the East — possibly also in other quarters of the world — that when responsibility is withdrawn, and impunity secured, the motives to useful activity are weakened or destroyed, and the objects of interest are exclusively concentred in individual indulgence. There is no doubt that Lord Wellesley's views in the formation of subsidiary alliances, as far as they regarded the princes of India, with whom they were formed, have in every instance been disappointed; and as far as the people are concerned, often imperfectly realized; but it is not the less true that the grand aim of his policy has been attained, and that by the command or influence which British India now exercises over all the other states internal war has been put an end to throughout the whole of that continent. There may be an occasional disturbance, but it can neither be extensive nor long continued; it cannot deserve the imputation of a state of warfare. That under any circumstances, intestine hostilities are to be prevented, if possible, our author would have been the first to admit; as he is no admirer of military renown: but when it is remembered in what manner, and by what persons, with what an utter disregard of those restraints by which the horrors of war amongst civilized nations are in some degree checked, hostilities in India were carried on, there will remain no doubt that India has gained, upon the whole, important advantages from the scheme of universal pacification which it was Lord Wellesley's policy to establish, and which has now been effected. That it was not sooner accomplished, was in part owing to the different views of his successors and in part to a circumstance politicians do not always sufficiently regard — matters were not sufficiently ripe for so great a change.

It is worthy of remark that at a subsequent period the author changed his opinions materially in regard to the necessity of the war with the Mahrattas, as well as that with Tippoo. The purport of his reasoning in the text is, that both might have been avoided, that there was no real danger to be apprehended from Tippoo, and that our interference in the domestic concerns of the Mahrattas, out of which the war arose, was entirely unnecessary and unadvisable. In his examination before the Committee of the House of Commons in 1832, he says, "all our wars cannot perhaps be with propriety considered wars of necessity, but most of those by which the territories we possess have been obtained, and out of which our subsidiary alliances have grown, have been wars, I think, of necessity, and not of choice. For example, the wars with Tippoo and the Mahrattas." Evidence Political, i. p. 10. This is very irreconcileable with the notions of the text, and although more consonant to the fact; it requires perhaps some modification. The immediate necessity of the second war with Tippoo is very questionable; and it may be doubted if the Mahratta war might not have been delayed. In both cases, however, it must be admitted that collision sooner or later was unavoidable; and it was not inconsistent with a prudent policy to have brought on its occurrence as soon as we were prepared for the encounter.—W.

CHAPTER XIII.

Necessity inferred of curbing Holkar.— Intercourse between Holkar and Sindiah renewed.— Governor-General resolves to take the Holkar Dominions, but to give them away to the Peshwa, Sindiah, and the Nizam.— Holkar retreats before the Commander-in-Chief, towards the South. — The Commander-in-Chief withdraws the Army into Cantonments, leaving Colonel Monson with a Detachment

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in advance.— Holkar turns upon Monson.— Monson makes a disastrous Retreat to Agra.— The British Army from Guzerat subdues Holkar's Dominions in Malwa.— Holkar by a Stratagem attacks Delhi.— Brave Defence of Delhi.— The Holkar Dominions in the Deccan subdued. — Defeat of Holkar's Infantry at Deeg.— Rout of his Cavalry at Furruckabad.— The Raja of Bhurtpore, one of the allied Chieftains, joins with Holkar.— Unsuccessful Attack upon the Fortress of Bhurtpore.— Accommodation with the Raja of Bhurtpore.— Disputes with Sindiah.— Prospect of a War with Sindiah.— Holkar joins the Camp of Sindiah.— The British Resident ordered by the Commander-in-Chief to quit the Camp of Sindiah.— Sindiah endeavours to prevent the Departure of the Resident.— Marquis Wellesley succeeded by Marquis Cornwallis.— Cornwallis' View of the State of Government.— Of Wellesley's System of subsidiary and defensive Alliance.— Cornwallis resolves to avoid a War with Sindiah, by yielding every Point in Dispute.— To make Peace with Holkar by restoring all the Territories he had lost.— To dissolve the Connexion of the British Government with the minor Princes on the Mahratta Frontier.— Negotiations between Sindiah and the Commander-in-Chief.— Death of Lord Cornwallis.— Sir G. Barlow adheres to the Plans of Lord Cornwallis.— Holkar advances into the Country of the Seiks.— Pursued by Lord Lake.— A fresh Treaty concluded by Sindiah.— Treaty with Holkar.— Financial Results.

WHEN the English were freed from the burden and the dangers of the war with Sindiah and the Raja of Berar, they began to think of placing a curb on the power of Jeswunt Rao Holkar. Though Holkar had engaged, and upon very advantageous terms, to join with the other chieftains, he had abstained from co-operation in the war against the English; and though he had committed some ravages on a part of the Nizam's territory, toward the beginning of the war; the Governor-General had not held it expedient to treat this offence as a reason for hostilities: Holkar, on the other hand, had been uniformly assured that the English were desirous of preserving with him the relations of peace.

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In the month of December, 1803, Holkar, having marched towards the territory of the Raja of Jyenagur, took up a position which threatened the security of this ally of the British state. At the same time, he addressed letters to the British Commander-in-Chief, containing assurances of his disposition to cultivate the friendship of the British government. But a letter of his to the Raja of Macherry, suggesting to him inducements to withdraw from the British alliance, was communicated by that Raja to the Commander-in-Chief; further correspondence of a hostile nature was discovered; and intelligence was received of his having murdered three British subjects in his service, on a false charge that one of them had corresponded with the Commander-in-Chief. It appeared imprudent to remove the army of the Commander-in-Chief from the field, till security was obtained against the projects of Holkar.

The determination which hitherto had guided the conduct of the Governor-General, that he would abstain from the dispute in the Holkar family respecting the successor of Tuckojee, still operated in his mind. And he authorized the Commander-in-Chief to conclude an arrangement with Jeswunt Rao, engaging, on the part of the British government, to leave him in the unmolested exercise of his authority, provided he would engage to abstain from all aggression upon the British or their allies.

The Commander-in-Chief addressed a letter to Holkar, dated the 29th of January, 1804, in conformity with the instructions which he had received; inviting him to send vakeels to the British camp for the purpose of effecting the amicable agreement which both parties professed to have in view; but requiring him, as a proof of his friendly intentions, to withdraw his army from its menacing position, and abstain from exactions upon the British allies. At the same time the British army advanced to Hindoun, a position which at once commanded the principal roads into the Company's territory, and afforded an easy movement in any direction which the forces of Holkar might be found to pursue. On the 27th of February, an answer from that chieftain arrived. It repeated the assurance of his desire to cultivate the friendship of the British government, and expressed his intention to withdraw from his

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present position, and send a vakeel to the British camp. In the mean time, however, letters were intercepted, addressed by Holkar to subjects and allies of the British government, exciting them to revolt, and stating his design of sending troops to ravage the British territories. The Commander-in-Chief made an amicable reply to his letter; but warned him, at the same time, against the practices in which he had begun to indulge. And on the 16th of March two vakeels from Holkar arrived in the British camp.

They were commissioned to demand; 1. leave to collect the chout according to the custom of his ancestors; 2. certain possessions formerly enjoyed by his family, namely, Etawah, twelve pergunnahs in the Doab, one in Bundelcund, and the country of Hurriana; 3. the guarantee of the country which he then possessed; 4. a treaty similar in terms to that which had been concluded with Sindiah. These demands were treated as altogether extravagant; and the vakeels, after receiving a remonstrance on the continuance of their master in his present threatening position, departed from the camp, bearing to him another letter from the Commander-in-Chief. In this, Holkar was invited to send again a confidential agent, with powers to conclude an arrangement on terms in which the British government would be able to concur. In the mean time, he had addressed a letter to General Wellesley; containing a demand of certain territories, which he said belonged to his family in the Deccan; and intimating that, notwithstanding the greatness of the British power, a war with him would not be without its evils; for "although unable to oppose their artillery in the field, countries of many coss should be overrun, and plundered, and burnt; that they should not have leisure to breathe for a moment, and that calamities would fall on lacs of human beings in continued war by the attacks of his army, which overwhelms like the waves of the sea." An answer, however, to the letter of the Commander-in-Chief was received in the British camp on the 4th of April; still evading either acceptance or rejection of the simple proposition of the British Commander, and urging his pretensions to something like the terms he himself had proposed. That letter drew another from the Commander-in-Chief, ap-

plauding the forbearance of the British government, and assuring Hólkar that he would best consult his own interest by complying with its demands.[1]

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Holkar, though fully aware of the hatred towards him in the bosom of Sindiah, was not deterred from the endeavour of opening a negotiation, or at any rate of giving himself the benefit of an apparent intrigue, with that chieftain. A vakeel of his arrived in the camp of Sindiah, on the 5th of February, 1804. The account, which Sindiah and his ministers thought proper to render of this event to the British Resident in his camp, was liable to suspicion, on the one hand from the extreme duplicity of Mahratta conncils, on the other from the extraordinary desire which appeared on the part of Sindiah to produce a war between that rival and the British government. They said, that the vakeel had endeavoured to prevail upon Sindiah to accommodate his dispute with Holkar, and form a union for the reduction of the British power, the continual augmentation of which could be attended with nothing less than final destruction of the Mahratta state; but that the answer of Sindiah was a positive refusal, on the professed grounds, of the treachery with which Holkar had violated his pledge to the late confederacy, the impossibility of confiding in any engagement into which he might enter, and the resolution of Sindiah to adhere to his connexion with the British state. Notwithstanding this supposed reply, a vakeel from Sindiah proceeded to the camp of Holkar, on the alleged motive that, unable as he was to resist the arms of that chieftain, it was desirable both to effect an accommodation with him, and to sound his inclinations. According to the representation made to the British Resident, the vakeel was authorized to propose a continuance of the relations of amity and peace, but to threaten hostilities if depredations were committed on any part of the territory either of Sindiah or his dependants.[2]

[1] Letter from the Governor-General in council to the Secret Committee; dated 15th June, 1804. Papers, ut supra, printed in 1806. Notes 23, p. 263 Notes, ut supra, No. 25, p. 205.—M. Wellesley Despatches, iv. 48.—W.

[2] Letter from Major Malcolm; Papers, ut supra, No. 23, p. 298; Governor-General's Despatch, ibid. p. 270.—M.

This intercourse is thus explained by Grant. Holkar had always intended to engage in hostilities with the British, but had kept aloof in uncertainty of

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Sindiah's vakeel arrived in Holkar's camp on the 3rd of March. Previous to this time, Holkar had moved, with the main body of his troops, into Ajmere, a country belonging to Sindiah. His pretence was devotion; but he levied contributions on the people, and made an attempt, though unsuccessful, to obtain possession of the fort. Notwithstanding a declaration to the British Commander-in-Chief, that he intended to proceed homewards from Ajmere, a portion of his army still remained on the frontier of the Raja of Jypore, and no longer abstained from depredations on his country. The ministers of Sindiah made report to the British Resident, respecting the vakeel who had been sent to the camp of Holkar, that he had been received with distinguished ceremony and respect; that he was invited to a private conference; that Holkar, on this occasion, openly confessed his design of making a predatory war upon the British possessions; that, when the vakeel expostulated with him on his proceedings in Ajmere, he apologized, by stating his intention to leave his family with the Raja of Jodepore when he commenced his operations against the English; the refusal of that Raja to join with him, till he put him in possession of the province and fort of Ajmere: and thence his hope, that Sindiah would excuse an irregularity, which not inclination, but necessity, in the prosecution of a war involving the independence of them both, had induced him to commit. Of this report, so much alone was fit for belief, as had confirmation from other sources of evidence.

The only matters of fact, which seem to have been distinctly ascertained, were, first, certain trifling depredations at Jypore, less material than those at Aurungabad which had been formerly excused, on the score of a ne-

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the result of the war, anticipating that Sindiah would immediately turn his arms against him if he triumphed over the British, or that if he was defeated, he, Holkar, might come to Sindiah's aid with additional credit and influence. As soon as hostilities had terminated, he sent a vakeel to Sindiah, recommending him to break the treaty and renew the war, but that chieftain was, or pretended to be so exasperated against Holkar, that he immediately communicated the fact to the British authority. Some of his ministers, especially his father-in-law, Sherzee Rao Ghatgay had more confidence in Holkar, and advised Sindiah, notwithstanding the communication to the British Resident to despatch a Vakeel to Holkar's camp, for the purpose, as they gave out, of ascertaining his designs, but in reality to leave open the door of reconciliation, in case the project of Holkar, in whose wisdom and fortune all the Mahrattas began to have great confidence, should prove worthy of regard. Mahr. Hist., iii, 270.—W.

cessity created by troops whom he was unable to maintain; secondly, a disposition to haggle for better terms, in forming a treaty, than the British government were willing to grant; and thirdly, the existence and character of him and his army, to whom predatory warfare was a matter, it was supposed, both of choice and necessity, as the plunder of the Company's territory was the only source of subsistence. On these facts and suppositions, with a strong disposition to believe reports, and to magnify grounds of suspicion, the Governor-General, on the 16th of April, issued orders to the Commander-in-Chief, and Major-General Wellesley, to commence hostile operations against Holkar, both in the north and in the south.[1]

In his despatch to the Secret Committee of the Court of Directors, dated 15th of June, 1804, the Governor-General says: "Jeswunt Rao Holkar being justly considered as an adventurer, and as the *usurper* of the *rights* of his brother Cashee Rao Holkar — consistently with

[1] Governor-General's Letter, No. 23, ut supra, p. 271: Notes, No. 25, ut supra, p. 208.—M.

Holkar's demands and menaces were something more than grounds for suspicion, but a new light has been thrown upon this subject by recent and authentic information. Regulating its proceedings by the rules of European policy, the Indian government imagined that a state of warfare was necessarily to be preceded by a specific declaration. Mahratta policy required no such formality, and must have thought the Governor-General's tardiness the result of either infirmity of purpose or conscious weakness. It is clear that Holkar considered himself to be at war with the English. In the biographical memoirs of Holkar's confederate, Ameer Khan, written from his own dictation, and of which a translation by Mr. Prinsep has been published in Calcutta, he intimates no sort of suspicion that peace subsisted between Holkar and the English from the commencement of hostilities against Sindiah, with whom he was in alliance, and therefore a party in the contest. Ameer Khan relates that as soon as Sindiah and the Raja of Berar heard that the Peshwa had come to terms with the English, they sent a confidential messenger to Holkar to say, that as Bajee Rao had called in the English, and brought their army into the field, and Hindoostan could no longer be deemed the safe possession of their nation, all private quarrels should be buried in oblivion, and every true Mahratta uniting in heart and hand, and in word and deed, ought to endeavour to drive the English out of the country: that they who were the chiefs of the nation should agree, therefore, mutually to assist one another at present, and to settle their private disputes and animosities as might be agreed upon afterwards. Holkar consulted Ameer Khan on the subject, by whose advice certain conditions were proposed to the allied chiefs, to which they acceded, and in consequence Ameer Khan, with a select body of Holkar's troops, was on his march to join the confederates when the news of the battle of Assye arrested his progress, and he returned to Holkar. This demonstration, of which there can be no doubt, as it is related by Ameer Khan himself, does not seem to have been known to the English authorities. Again, after the battle of Laswaree, whilst yet Holkar was looked upon as neutral, he wrote to Ameer Khan with many adjurations that he had made up his mind to enter the field against General Lake, and he therefore commanded the Ameer to join him as soon as possible. Memoirs of Mohammed Ameer Khan, translated from the Persian by H. T. Prinsep, Esq., Calcutta, 1832.

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the principles of justice, no arrangement could be proposed between the British government and Jeswunt Rao Holkar, involving the formal sanction of the British government to that chieftain's *usurpation*, and to the exclusion of Cashee Rao Holkar from *his hereditary dominions*."[1] Yet these very dominions, thus declared to belong to Cashee Rao, the Governor-General had already resolved, without a shadow of complaint against Cashee Rao, to take, and give away to other persons. In his instructions to the British Resident in the Camp of Sindiah, dated the 16th of April, 1804, he says; "His Excellency thinks it may be useful to you to be apprized, that it is not his intention, in the event of the reduction of Holkar's power, to take any share of the possessions of the Holkar family for the Company. Chandore, and its dependencies and vicinity, will probably be given to the Peshwa; and the other possessions of Holkar, situated to the south of the Godavery, to the Subahdar of the Deccan: all the remainder of the possessions of Holkar will accrue to Sindiah, provided he shall exert himself in the reduction of Jeswunt Rao Holkar." In lieu of "his hereditary dominions," which it was not pretended that he had done anything to forfeit to the British government, "it will be necessary," says the Governor-General in a subsequent paragraph, "to make *some* provision for Cashee Rao, and for such of the legitimate branches of the family as may not be concerned in the violation of the public peace, or in the crimes of Jeswunt Rao Holkar."[2]

The motive which led the Governor-General to decline a portion of the territory of Holkar for the Company, immediately after having taken for it so great a portion from Sindiah; and to add so largely to the dominions of Sindiah, immediately after having so greatly reduced them, is somewhat mysterious, if viewed through the single medium of national good; but is sufficiently intelligible, if we either suppose, that he already condemned the policy of his former measures, and thought an opposite conduct very likely to pass without observation; or, that, still approving the former policy, he yet regarded escape from the imputation of making war from the love

[1] No. 23, p. 264.
[2] Letters, ut supra, Ibid. p. 303, 304.—M. Despatches, 4, 99, 369.—W.

of conquest, as a greater good, in the present instance, than the territory declined.[1]

Sindiah, we are told, was highly delighted, as well he might be, with the announcement of the intention of the Governor-General, both to commence hostilities, upon Holkar, and to make such a division of the territory of the family. He promised to promote the war with his utmost exertions.

When Major-General Wellesley received instructions to begin hostilities, the Deccan was labouring under a scarcity approaching to famine. The principal possessions held for the benefit of Holkar in that quarter of India were—the fort and territory of Chandore, about 130 miles north of Poonah; the fort and territory of Dhoorb, about twenty miles west by north from Chandore, on the same range of hills; Galna, a hill-fort thirty-five miles north-north east of Chandore, and eighty-five miles from Aurungabad; some territory in Candeish; and a few districts intermixed with those of the Nizam. With the capture of the fortresses of Chandore and Galna, these territories would be wholly subdued. But to conduct the operations of an army, in a country totally destitute of forage and provisions, appeared to General Wellesley so hazardous, that he represented it as almost impossible for him to advance against Chandore till the commencement of the rains. In the mean time, he augmented the force in Guzerat by three battalions of native infantry, and instructed Colonel Murray, the commanding officer, to march towards the territories of Holkar in Malwa, and, either by meeting and engaging his army, or acting against his country, to accelerate, as much as possible, his destruction.[2]

During the negotiation with Holkar, the Commander-in-Chief had advanced slowly toward the territory of the Raja of Jypore. A detachment of considerable strength, under the command of Lieutenant-Colonel Ball, had occupied a position near Canore, about ninety miles south-

[1] It was strictly a defensive war, not one engaged in for purposes of conquest, and the determination to divide the territory amongst the dependent chiefs was a demonstration of disinterestedness which could not fail to have a favourable effect on native opinion. In giving up the territory also, little else was done than restoring to each his own.—W.

[2] The documents relative to the correspondence and negotiations with Holkar, previous to the commencement of hostilities, were printed by an order of the House of Commons, under date, 11th of February, 1805.

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west of Delhi, to guard in that direction the Company's frontier. To protect and encourage the Raja of Jypore, whose territory Holkar, now returned from Ajmere, began to ravage, occupying a position which even threatened his capital, General Lake sent forward a detachment of three battalions of native infantry, under the command of the Honourable Lieutenant-Colonel Monson, on the 18th of April. This detachment arrived in the vicinity of Jypore on the 21st. On the morning of the 23rd, Holkar decamped from his position, and began his march to the southward with great precipitation. Some parties of Hindustanee horse, under European officers, which the General had detached for the purpose of observing the motions of Holkar, and harassing his march, followed him in his retreat. A halt of two days, on the part of Holkar, induced the British commander, suspecting a feint, to advance with the army; while Monson, with his detachment, was directed to precede the main body, as rapidly as possible. On the approach of the British forces, Holkar resumed his retreat, which he continued with great precipitation, till he arrived in the vicinity of Kotah. Here he had so far preceded the British troops, that he could halt without fear of an immediate attack. The Hindustanee horse, who had hung upon his rear, described his army as being in the greatest distress, the country remaining nearly desolate from its former ravages. A letter without date was received by the Commander-in-Chief, from Holkar, on the 8th of May, offering to send, according to his desire, a person duly authorized "to settle every thing amicably." The Commander-in-Chief replied, "When I wrote you, formerly, that vakeels might be sent to confirm a friendship, conditions were specified, which you have not any way fulfilled; but have acted directly contrary to them. This has forced the British government to concert, with its allies, the necessary measures for subverting a power, equally inimical to all. This has been resolved upon. You will perceive that I cannot now enter into any bonds of amity with you, without consulting the allies of the British government." The fort of Rampoora, which the British army were now approaching, was the grand protection of the northern possessions of Holkar. For the attack of this place, a detachment was

formed, under the command of Lieutenant-Colonel Don. Having encamped before the place, this officer adopted the plan of entering the fort by blowing open the gates. He advanced to the assault, a little before day-break, on the morning of the 16th of May; and as a well-concerted plan was well executed, all resistance was speedily overcome, and the place was taken with inconsiderable loss.

The distance which Holkar had gained by his rapid flight, the improbability of forcing him to action, or of his returning to the upper provinces, presented to the mind of the Commander-in-Chief the inexpediency of retaining the advanced position, which he now occupied, with the main body of his army. Only the British troops in Guzerat, in concert with those of Sindiah, appeared capable, during the present season, of acting with advantage upon the territories of Holkar. He accordingly withdrew the army into cantonments within the British dominions, leaving Colonel Monson with injunctions to make such a disposition of his force as would preclude, in that direction, any sort of danger from Holkar's return.[1]

On the 21st of May, a body of predatory horse, estimated at five thousand, made an incursion into the province of Bundelcund, where seven companies of sepoys, a troop of native cavalry, and the park of artillery, detached, under the command of Captain Smith, from the main body of the troops in that province, were employed in the reduction of a fort, about five miles distant from Kooch. On the morning of the 22nd, this body of horse succeeded in cutting off a part of the British detachment which was posted in the pettah of the fort, and compelled the whole to retreat, with the loss of two howitzers, two twelve-pounders, one six-pounder, and all the tumbrils belonging to the park. The same party made an attempt afterwards upon the town of Calpee, and aimed at crossing the Jumna, but were repulsed with loss; and having afterwards sustained a defeat near Kooch, evacuated the province. The refractory Bundela chiefs still afford considerable employment to the British army.[2]

[1] See the Despatch of the Governor-General, ut supra, in Papers, No. 23; and Notes, ut supra, No. 25.

[2] Calcutta Gazettes, Papers, ut supra, No. 25, p. 229.—M.

The party surprised at Mulaya, near Koonch, consisted of two companies of

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After the departure of General Lake, Monson, now Brigadier-General, continued to make some movements in advance, and on the first of July, in the height of the rains, was encamped at Soonara; within twenty coss of the camp of Holkar, containing the whole of his cavalry, brigades, and guns. On the evening of that day, a party marched from the British detachment, towards the fort of Hinglais-Ghur, and halted within a mile of the fort, at half-past ten on the following morning. The troops, having rested three hours, arrived at the destined points of attack, at half an hour after two. As soon as they were discovered, a heavy cannonade began from the fort; but it was completely silenced, by the great expertness of the British artillery, in the space of an hour; when the men escaladed the walls, and took possession, without difficulty. It was a fortress of great natural strength, and the gallantry and skill with which it was attacked, form one of the brilliant incidents of the war. The Commander-in-Chief set a high value on this acquisition; which, he thought, would secure the supplies of Monson, if he advanced to the support of the army from Guzerat, and afford protection to the people of the surrounding districts, who appeared to be well inclined to the British cause.[1]

On the 7th of July, Monson received intelligence, that Holkar, who, since his retreat before the Commander-in-Chief, had occupied a position in Malwa, having the Chumbul river between himself and the British detachment, had crossed that river with the whole of his army and guns. The force under Monson consisted of five battalions of sepoys, with artillery in proportion; and two bodies of irregular horse, about three thousand strong, the one British, under Lieutenant Lucan, the other a detach-

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Sepoys, and one of European artillery, with four European officers. It was entirely cut to pieces by the enemy. According to Ameer Khan's account of this and the ensuing operations which were executed by his troops, Kalpee was plundered, after the defeat of a small detachment, and capture of the officer commanding it, who, however, was liberated without ransom. On his retreat from the Jumna, in consequence of not finding a ford, the Ameer fell in with another party under Captain Jones, was successfully resisted, and obliged to retreat, and his whole party was successfully broken, and dispersed in an affair with Colonel Shepherd, near Koonch, on the 24th June, 1804. Memoirs of Ameer Khan, 207. Thorn, War in India, 344. Wellesley Despatches, 4, 72.—W.

[1] Despatches from the Commander-in-Chief, and General Monson; Papers ut supra, No. 25, p. 233.

ment sent by Sindiah, commanded by a leader named Bappoojee Sindiah. Monson was now advanced about fifty miles beyond the Mokundra pass, where he had expected to procure supplies, and to communicate with Colonel Murray, who was advancing from Guzerat towards Ougein. He made his first movement towards the spot where Holkar crossed the river, in the hope of being able to attack him with advantage, before his troops recovered from the confusion which the passage of the river would be sure to produce. Afterwards, however, reflecting that he had only two days' grain in his camp, that part of his corps was detached to bring up grain, that one battalion of it was on the march to join him from Hinglais-Ghur, and that the enemy's cavalry was very numerous; expecting, also, to be joined by an escort, with treasure for the use of his detachment; and having received accounts from Colonel Murray of his intention to fall back on the Myhie river, he determined to retire to the Mokundra pass.[1] The whole of the baggage and stores was sent off to Soonarah, at four in the morning of the 8th. Monson remained on the ground of encampment till half-past nine, with his detachment formed in order of battle. No enemy having appeared, he now commenced his march; leaving the irregular cavalry, with orders to follow in half an hour, and afford the earliest information of the enemy's motions. The detachment had marched six coss, when intelligence was received that the irregular cavalry, thus remaining behind, had been attacked and defeated by Holkar's horse; and that Lieutenant Lucan, and several other officers, were prisoners.[2] The detachment continued its march, and, next day about noon, reached, unmolested, the Mokundra pass. On the morning of the 10th, a large body of the enemy's cavalry appeared, and continually increased in numbers till noon the following day; when Holkar summoned the detachment to surrender their arms. A refusal being returned, he divided his force into three bodies, and made a vigorous attack on the front and

[1] Monson's determination to retreat is affirmed by Ameer Khan to have been adopted by the treacherous advice of Bapoojee Sindiah, who was in secret understanding with Jeswunt Rao. Memoirs, 215.—W.

[2] Lucan was deserted by most of the horse he commanded, was wounded and taken prisoner, and died at Kotah. Bapoojee, with his cavalry, fled upon Holkar's first appearance, and afterwards joined him. Memoirs, 215, Note.—W.

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flanks of the British corps. The position and steadiness of the troops enabled them to sustain reiterated onsets, persevered in till night, when Holkar drew off to a distance of two coss; and being joined by his infantry and guns, was expected to renew his attacks on the following morning. Monson, not regarding his position as tenable, and fearing lest the enemy should get in his rear, adopted the resolution of retiring to Kotah. Arrived at this place, on the morning of the 12th, after two marches, rendered excessive harassing by the rain, which fell in torrents, and the enemy who pursued them, the Raja refused to admit them, and professed his inability to furnish any supplies. As the troops were suffering by want of provisions, the decision of Monson was, to advance to the ghaut or ford of the Gaumus Nuddi, only seven miles off.[1] But the rain had fallen with great violence, since the 10th, and the soil was soft. The troops were unable, therefore, to reach the rivulet, till the morning of the 13th, when it was found impassable. They halted on the 14th, to procure a supply of grain from a neighbouring village; and attempted, on the 15th, to continue the march; but it was found impossible to proceed with the guns. In hopes of an abatement of the rain, they made another halt. It rained during the whole of the night of the 15th; and, next morning, the guns had sunk so deep in the mud, as not to be extricable. The camp was without provisions; and all the neighbouring villages were exhaused. The detachment was under an absolute necessity to proceed: Monson was therefore obliged to spike and leave the guns, sending injunctions to the Raja of Boondee to extricate, and remove them to a place of security. The country was so completely overflowed, that the troops could hardly march. The Chumbelee rivulet, which they reached on the 17th, was not fordable; on the 18th, the European artillerymen were crossed over on elephants, and sent on

[1] The Rana of Kotah, Zalim Sing, always denied his having refused the detachment food, and said he had offered it an asylum without the walls. He could scarcely, with a due regard to his own safety, have received them into his fortress, and as it was, he was compelled to pay Holkar a fine of ten lacs of rupees for his equivocal conduct. Mahr. Hist., iii., 260. Malcolm's Central India, i., 499. Memoir of Ameer Khan, 217. Lord Lake also writes, Zaulim Sing, of Kotah, has acted uncommonly well, and proved himself a staunch friend to our government: he will, in all probability, suffer most severely from it, particularly if Colonel Monson should quit his country. Despatches, iv. 179.

to Rampoora; on the 19th, the rivulet continued to swell; corn, with great difficulty and some danger, was procured for two days; on the evening of the 21st, the camp of a body of the enemy's horse was successfully beaten up; on the 23rd and 24th, a few rafts having been procured, three battalions of the detachment were moved across; the remainder, about seven hundred men, were attacked by a party of the enemy's horse, but able to repel them. On the morning of the 25th, after the whole of the detachment had been got over, not without loss, they moved in different corps, assailed as they passed, by the hill-people and banditti, towards Rampoora, at which some of them arrived on the 27th, others not till the 29th.

At Rampoora, Monson was joined by two battalions of sepoys, a body of irregular horse, four six-pounders, two howitzers, and a supply of grain, sent to his relief from Agra, by the Commander-in-Chief, as soon as he received intelligence of the disasters of the detachment. As the country, however, was destitute of provisions, as Holkar was advancing in considerable force, as Monson expected to be joined at Khoosul-Ghur by six battalions and twenty-one guns, under Sudasheo Bhao Bukshee, in the service of Sindiah, and then to obtain provisions which would enable him to keep the field, he resolved to continue his march to that place, leaving a sufficient garrison for the protection of Rampoora.

He reached the river Bannas about daybreak on the 22nd of August. It was not fordable. Three boats were found, with which one of the battalions was transported, for the purpose of conducting the treasure to Khoosul-Ghur. The next morning the cavalry of the enemy pitched their camp about four miles distant from the British detachment. On the morning of the 24th, the river having fallen, Monson began to transport his baggage. The greater part of the baggage, and four battalions, had crossed, and General Monson, with the remaining battalion and the piquets of the rest was preparing to follow, as soon as the remainder of the baggage and the people of the camp had effected their passage, when the enemy, a great number of whose cavalry had already passed to the right and the left of the British position, brought up their infantry and guns, and opened a heavy cannonade on the

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small body of the English that still remained on that side of the river. Monson led them directly to the charge, and they succeeded in taking some guns; but were soon overpowered by excess of numbers, and with great difficulty effected their retreat, covered by the fire of one of the battalions on the opposite side, which advanced to the bank of the river to protect them. The enemy prosecuted their advantage, and Monson was obliged to abandon his baggage, and fly to Khoosul-Ghur, which he reached on the night of the 25th of August. On the morning of the 26th, the enemy's cavalry encamped round him in separate bodies. At the same time a correspondence was detected between some of the native officers and the enemy; and though decisive measures to check the mischief were immediately adopted, two companies of infantry, and a large proportion of the irregular cavalry, made their escape.[1] On the same day Monson quitted the fort, having spiked the last remaining howitzer; and, with the men in an oblong square, began to proceed. During the night and the following day, the enemy's cavalry, supported by guns, attempted several times, but without success, to penetrate the detachment; who, on the night of the 27th, took possession of the ruined fort of Hindown, and next day, at noon, continued their retreat towards Agra. They had no sooner cleared the ravines near Hindown, than a desperate charge, in three separate bodies, was made upon them by the enemy's horse. The sepoys had sufficient discipline to reserve their fire till the enemy had almost come up to the bayonet. It was then given with effect; and the enemy immediately turned, and fled in all directions. Having reached the Biana pass, about sunset on the 28th, when the troops were almost exhausted with hunger and fatigue, Monson halted, with a view to pass the night at the entrance. But the enemy's guns approached, and began a galling fire. He was therefore obliged to prosecute his retreat. The night was dark, the camp-followers and baggage mixed with the line, the troops were thrown into confusion, order could no more be restored, and the different corps concluded their re-

[1] Sindiah's troops stationed at Khooshul-Ghur, and intended to co-operate with the British, endeavoured to plunder the town, and being opposed by the British detachment, were in open hostility.—W.

treat in great disorder, the last of them reaching Agra on the 31st of August. The enemy followed in straggling parties, for purposes of plunder, as far as Futtypoor, but made no united attack after that on the night of the 25th.[1]

During the retreat of his detachment, Colonel Murray, with the division of the British army from Guzerat, advanced into the heart of the Holkar dominions; and on the 24th of August took possession of the capital, Indore. The commander of the troops which had been left for its protection retired without opposition.[2]

[1] Printed papers, ut supra, No. 25, pp. 229—339. Despatches, iv. 199.

[2] Printed papers, ut supra, p. 240.—M.

It is observed of Colonel Monson by Lord Lake (Despatches iv. 245), that it is extraordinary, "that a man, brave as a lion, should have no judgment or reflection." There is perhaps, nothing very extraordinary in the combination of courage with lack of judgment, and it must be suspected there was want of judgment in this disastrous retreat. At the same time, it is clear that all the fault was not Monson's, that very much of it was Murray's, and that both had been placed in an awkward position, by those who planned their operations. Each was advanced to a great distance from effective support, with a force insufficient to encounter the enemy by whom they were separated, and whose strength was greatly and fatally miscalculated by the Commander-in-Chief (Letter to Lord Wellesley, July 1st, 1805. Despatches, v., 283). Lord Lake was informed, and he believed the information, that Holkar's resources were reduced to the lowest ebb, and that his army was almost annihilated. He estimated the force to be left with Colonel Monson by a proportionate scale and the estimate proved erroneous. According to Lord Lake, however, Monson advanced considerably beyond the point at which he had been directed to remain, the passes of Boondee and Lakery, in the mountains south of Rampoora, by which the entrance from Malwa into Bundelcund was secured. It was the Commander-in-Chief's intention that the detachment should have remained in this position until the termination of the rainy season, when either alone, or reinforced, as might have been necessary, it could have advanced into Malwa.

Colonel Monson, however, tempted by the prospect of some unimportant advantage, moved on first to Kotah, and then to the Mokundra pass, which he described, in reply to Lord Lake's disapprobation of his movement, as equally adapted to secure the object proposed, and thus, according to Lord Lake's statement, persuaded him against his own opinions to acquiesce in the advance so far. When here, however, Monson thought it would be an advantage to occupy Hinglaiz-Ghur, fifty miles beyond the pass, and accordingly extended his forward movement. After taking the fortress, he learned that Holkar was about to cross the Chumbul, and wrote to Lord Lake to say that he intended to attack the Mahrattas whilst engaged in the passage. In this he might have succeeded, but he changed his mind and fell back. In the Commander-in-Chief's opinion this was another mistake. As an equally favourable opportunity for an attack could not occur, the omission should have been repaired by an attack under the most favourable circumstances that could be obtained. The numbers of Monson's force were certainly inferior to those of the enemy, but he had on his side discipline, approved valour, and the choice of position. A bold effort was also necessary to extricate him from his situation, and to avoid the disgrace and misfortunes inseparable from a rapid retreat. The retreat was, however, continued to Mokundra with the declared intention of making a stand there, but here again Monson failed in resolution, and after a short halt, resumed his march. The losses suffered from this until his arrival at Rampoora, were owing rather to the climate than to the enemy. Colonel Monson reached Rampoora on the 27th July, and did not move again till the

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Upon the escape of Monson to Agra, Holkar advanced with the whole of his army to Muttra, situated on the right bank of the Jumna, about thirty miles from Agra; and took possession of the place. The Commander-in-Chief marched from Cawnpore on the 3rd, arrived at Agra on the 22nd of September, and proceeded immediately to Secundra, where he assembled the whole of the army under his personal command. On the 1st of October, he

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22nd August. This delay Lord Lake observes, in his despatches to Lord Wellesley, was fatal. It was in some measure his own work. He says, "when I was informed that the detachment joined by the reinforcement was at Rampoora, I transmitted instructions to Colonel Monson to make a stand at that place if such measure appeared to him practicable." This is rather a questionable account of the transaction. The reinforcement did not join till the 14th of August. Lord Lake could not have heard of the junction in much less than a week afterwards, and his instructions to remain, if practicable, must have met Monson on the march towards Agra. Long before this, however, Lord Lake had sent to Monson orders to suspend his retreat. On the 28th of June, Monson writes to Colonel Don in the rear; "The Commander-in-Chief positively forbids me falling back, even further than Kotah, therefore, we must (the whole) remain at Rampoora until I hear further from him." Memoir of Colonel Don. East India Military Calendar, ii, 548. Lord Lake, therefore, seems to have been the cause of Colonel Monson's protracted stay at Rampoora, although it does not excuse his want of decision in hesitating at once to quit a place where it was impossible to make a stand, or his want of judgment in eventually leaving it if it was defensible. Every day's delay tended to render the country still more impassable at such a season; and, undoubtedly, as Monson did finally think it necessary to leave Rampoora, he should have quitted it with the least possible delay. Besides the other obvious advantages of such expedition, he would have shortened the distance between him and his reinforcements, they would have encountered him earlier, and in better organization, and the whole would probably have effected their return to the Company's territories in good order, and with little comparative dishonour or loss. A full investigation of the circumstances of the retreat was promised to the Court of Directors (Despatches, iv., 343), but it does not appear that any other explanation was attempted than that furnished after the close of the campaign by Lord Lake, and referred to above (Despatches, v., 283). It is clear from this account, that Monson was in insufficient strength, but it is also evident that he advanced with great imprudence, and with very imperfect information, and that when he judged it prudent to retreat, (and with his force, without any Europeans, and without regular cavalry, it would have been very hazardous to have done anything else), he displayed great want of singleness and steadiness of purpose, by which he lost invaluable time, and exposed his troops to destruction. The consequences were most disastrous. The actual loss, severe as it was, was the least of its evils. It impressed all India with the belief that Holkar was able to resist, and likely to overcome the power of the English; it gave fresh life to hostile hopes, and activity to dangerous intrigues; it encouraged Sindiah and the Bhonsla to pursue measures which, but for the prudent forbearance of the Governor-General, would again have brought their armies into the field, and it tempted the Raja of Bhurtpore to enter into a confederacy with Holkar, and was thus productive of all the disgrace and loss consequent upon the siege of that fortress. Had not Monson's detachment been exposed to destruction, Holkar must have been exterminated in the early part of the ensuing campaign, or in the end of 1804, and an immense saving of treasure and life would have been effected, whilst all the political advantages expected from the war, and which in impatience of its protracted continuance were thrown away by Lord Wellesley's successors, would, in all probability, have been secured.—W.

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marched towards Muttra, from which, as he advanced, Holkar retired, and planned an important stratagem. Leaving his cavalry to engage the attention of the British Commander, which they effectually did, he secretly despatched his infantry and guns, for the execution of his destined exploit. On the night of the 6th, he encamped with his cavalry about four miles in front of the British position. Before daylight next morning General Lake moved out to surprise him. The General formed his army into three divisions; leaving the park, and an adequate force, for the protection of the camp; but Holkar was apprized of his approach, and retired too promptly to permit an attack. Early on the morning of the 8th, the infantry of that chieftain appeared before Delhi, and immediately opened a heavy cannonade. The garrison was small, consisting entirely of sepoys, and a small corps of irregular infantry; the place was extremely extensive; and the fortifications were in a ruinous state. Everything promised a successful enterprise.

From the first notice of the enemy's approach in that direction, the most judicious precautions had been taken, under the direction of Lieutenant-Colonels Ochterlony and Burn, the first acting as resident in the city, the second commandant of the troops, to place the city in the best state of defence which circumstances would permit. During the 8th, the distance from which the enemy fired prevented much execution. On the 9th, however, having erected a battery, within breaching distance, they demolished a part of the wall, and would have quickly effected a breach; when a sally was planned to check their progress. Two hundred sepoys, and 150 of the irregular corps, under the command of Lieutenant Rose, performed the exploit with great gallantry; took possession of the enemy's battery; spiked their guns; and threw them into so much confusion, that they fired upon their own people, who, flying from the assailing party, were mistaken for British troops. The principal operations from this time were carried on under cover of extensive gardens and adjoining ruins on the southern face of the fort; and they soon made a breach in the curtain between two of the gates. Measures which were completed by the evening of the 12th, to preclude communication between the breach

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and the town, prevented their profiting by that advantage. But, on the 13th, appearances indicated the intention of a very serious attack. At daybreak, on the 14th, the guns of the enemy opened in every direction. A large body of infantry advanced under cover of this cannonade, preceded by ladders, to the Lahore gate. They were received, however, with so much steadiness and gallantry, that they were driven back, leaving their ladders, with considerable confusion, and considerable loss. Inactive to a great degree, during the rest of the day, they made a show towards evening of drawing some guns to another of the gates; but took advantage of the night; and in the morning their rear guard of cavalry at a distance was all that could be seen. As the number of the men, by whom Delhi was defended, was too small to admit of regular reliefs, or to make it safe for them to undress, provisions and sweetmeats were served out to them daily at the expense of government, "which," according to the information of Colonel Ochterlony, "had the best effect upon their spirits." That officer concludes his report with the following merited eulogium: "The fatigue suffered by both officers and men could be exceeded by nothing but the cheerfulness and patience with which it was endured; and it cannot but reflect the greatest honour on the discipline, courage, and fortitude of British troops, in the eyes of all Hindustan, to observe, that, with a small force, they sustained a siege of nine days, repelled an assault, and defended a city ten miles in circumference, and which had ever, heretofore, been given up at the first appearance of an enemy at its gates."[1]

[1] Printed papers, ut supra, p. 233, 243—248.—M.

The defence of Delhi only wants an Orme to form a worthy pendant to that of Arcot by Clive. A city of great extent, containing a mixed population, upon whose fidelity no reliance could be placed, and enclosed by walls which, never intended for military protection, were in a dilapidated condition, was besieged by a force of about 20,000 men, with above 100 pieces of cannon, and defended by scarcely more than 800 men, with eleven guns. The troops employed in the defence consisted of the 2nd battalion of the 14th, and four companies of the 17th native infantry, two weak battalions which had come over from Sindiah in the preceding war, and three battalions of Nejeebs or irregular infantry. These last had mutinied on the approach of the enemy, but the mutiny was immediately suppressed by vigorous measures, the ringleaders were secured, a native court-martial was held upon them, nine were severely flogged, and two blown away from the muzzles of the guns. Little confidence could therefore be placed in this corps; but they behaved well. A body of irregular horse deserted to the enemy. One battalion of native infantry, the 2nd of the 4th, was stationed in Selim Gurh, the fort and palace, as a guard to the family of the Mogul, some of the members of which had been detected in a

About this period it was, that the Governor-General made his final arrangement respecting the maintenance and condition of Shah Aulum and his family. Over the city of Delhi, and a small portion of surrounding territory, a sort of nominal sovereignty was reserved to the Emperor. The whole was, indeed, to remain under charge of the British Resident; but the revenues would be collected, and justice administered, in the name of the Mogul. Beside the produce of this territory, of which the Emperor would appoint a dewan, and other officers, to inspect the collection, and ensure the application to his use, a sum of 90,000 rupees would be issued from the treasury of the Resident at Delhi, for the expenses of himself and his family. But "in extending," says the Governor-General, "to the royal family the benefits of the British protection, no obligation was imposed upon us, to consider the rights and claims of his Majesty Shah Aulum as Emperor of Hindustan; and the Governor-General has deemed it equally unnecessary and inexpedient, to combine with the intended provision for his Majesty and his household, the consideration of any question connected with the future exercise of the Imperial prerogative and authority."[1]

Towards the end of June, the state of the country at that time rendering military operations impracticable in the Deccan, Major-General Wellesley was called to

correspondence with Holkar. So little did Lord Lake anticipate the possibility of Delhi being defended by such disproportionate forces, that he had instructed the Resident to withdraw all the regular troops into the *fort* for the protection of the person of Shah Alem and that of the royal family, leaving for the defence of the city such irregulars as might have been entertained. The Resident, Lieut.-Col. Ochterlony, who had made such preparation as the time permitted for the defence of the city, acting under these instructions, directed the Commandant, Colonel Burn, to retire with his detachment into the city, and take up the ground lately occupied by the 2nd battalion, 4th regiment, for the night, (of the 7th November,) placing sentries at the gates; evidently intending to withdraw the whole into the fort. Considering, however, that if the city were left undefended, it would become the scene of indiscriminate tumult and plunder, and that its abandonment without a struggle would be a discredit to the British arms and a moral triumph for the enemy: trusting, also, to be able finally, if compelled, to effect his retreat into the citadel, Colonel Burn determined, with the means at his disposal, to defend, as long as he could, the city from the enemy. This bold as well as prudent resolve was entirely concurred in by his officers, and the Resident ably and zealously co-operated in its execution. The result reflected the highest honour upon the defenders, and restored the reputation of the British arms. Oral information; Thorn's War in India; Memoir of Major General William Burn; East India Military Calendar, ii. 497.—W.

[1] Printed papers, ut supra, No. 23, p. 149.—M. Despatches, iv. 237, 542,553.—W.

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Calcutta, to assist in the deliberation on certain military and economical plans; and surrendered the general powers, military and civil, with which he was invested. Before his departure, a portion of the troops in the field were made to return to Fort St. George and Bombay; leaving disposable, in the Deccan, two regiments of European infantry, four regiments of native cavalry, and thirteen battalions of sepoys. The principal part of this force, four regiments of native cavalry, two regiments of European infantry, six battalions of sepoys, with a battering train, and the common proportion of artillery and pioneers, were directed to assemble for active operations at Aurungabad, under the general command of Lieutenant-Colonel Wallace. Of the remaining seven battalions of sepoys, six were ordered to remain as a reserve; four at Poonah, and two at Hyderabad: and one was required as a garrison at Ahmednugger.[1]

Having completed his arrangements for action, Colonel Wallace marched from Foorkabad on the 29th of September; and reached Chandore on the 8th of October. On the same day he detached a battalion with two 12-pounders, against a small fort, called Laussoolgaum, garrisoned by Holkar, and distant about twelve miles. The battalion met with a desperate resistance, and lost its commander. A reinforcement was sent during the night, and the place was stormed the following morning. Wallace took possession, without resistance, of the pettah of Chandore on the evening of the 8th; and on the 10th he had carried his approaches within three or four hundred yards of the gate of the fort, when the Kelledar, or governor, sent overtures of capitulation. The terms, permitting the garrison to depart with their private effects, were agreed upon, on the night of the 11th, and at ten on the morning of the 12th, the British troops were placed in possession of the fort. It was a place of great strength, being inaccessible at every part but the gate-way; and of considerable importance, as commanding one of the best passes in the range of hills where it stands. The fort of Dhoorb surrendered to a detachment on the 14th; the forts of Anchella, Jeewunta, and some minor posts, on the same range of hills, were evacuated; and Colonel

[1] Printed papers, ut supra, No. 25, p. 209.

Wallace, leaving a garrison in Chandore, began his march to Galna on the 17th. He arrived on the 21st; took possession of the pettah on the following morning; on the 25th two practicable breaches were made in the walls; and the storming parties were on the point of advancing when the garrison offered to surrender. The reduction of Galna yielded possession of all the territories of Holkar in the Deccan. Of those in Malwa the conquest was already completed, by Colonel Murray's detachment.[1]

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The Commander-in-Chief, as soon as he had completed his supplies at Muttra, marched towards Delhi, where he arrived on the 17th of October, two days after the enemy's retreat. Lieutenant-Colonel Burn, who had been recalled from Sehaurunpore to the defence of Delhi, crossed the Jumna, on his return to his former station, with one battalion of sepoys and some nujeebs, on the 26th of October. On the 29th, Holkar crossed with his cavalry, between Paniput and Delhi, and advanced upon this detachment, which he overtook at Saumlee, on the following day. Colonel Burn encamped with his small party in a square, which towards evening was completely surrounded. At four the next morning he began to move. The enemy having posted themselves on the road to Sehaurunpore, expecting the detachment to proceed in that direction, enabled Colonel Burn to reach, without molestation, a small Gurrie, bordering on the city. Finding the minds of the men admirably disposed, he resolved to defend himself in the Gurrie till reinforcements should arrive, or even to fight his way back to Delhi. All attempts having failed for the collection of grain, and the troops having suffered great privations, he had come to the resolution, on the 1st of November, of fighting his way to Bhaugput, on the following night; but at this time he received intelligence of the march of the Commander-in-Chief, and was induced to wait for his approach.

On the 31st of October, that General, taking the reserve, his three regiments of dragoons, three regiments of native cavalry, and the mounted artillery, crossed the Jumna, to pursue the cavalry of Holkar. At the same time Major-General Frazer, with the main body of the infantry, two regiments of native cavalry, and the park of

[1] Printed papers, ut supra, p. 250, 251, 266, 267.

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artillery, was directed to move upon the infantry and artillery of Holkar, which had reached the neighbourhood of Deeg, on the right bank of the Jumna. The object of this double movement was, to force both the cavalry and and the infantry of Holkar to risk an action with the British troops, or to make him fly from Hindustan, under circumstances of so much ignominy and distress, as would have a disastrous effect upon the reputation of his cause.

General Lake arrived at Bhaugput on the Ist of November. On the second he performed a march of more than twenty-eight miles, and reached Kondellah. On the 3rd he arrived at Saumlee, from which the enemy had decamped early in the morning.

Major-General Frazer marched from Delhi on the 5th of November, and arrived at Goburdun on the 12th, a place within three coss of the fort of Deeg. His force consisted of two regiments of native cavalry, his Majesty's 76th regiment, the Company's European regiments, six battalions of sepoys, and the park of artillery, in all about six thousand men. The force of the enemy was understood to amount to twenty-four battalions of infantry, a large body of horse, and 160 pieces of ordnance; strongly encamped, with their right upon Deeg, and a large jeel of water covering the whole of their front.

As the hour was late, and the General had little information of the enemy's position, he delayed the attack till morning. Having made his arrangements for the security of the camp, he marched with the army in two brigades at three o'clock in the morning; making a circuit round the water to the left, to enable him to come upon the right flank of the enemy. A little after day-break, the army was formed, in two lines; and attacked, and carried a large village on the enemy's flank. It then descended the hill, and charged the enemy's advanced party, under a heavy discharge of round, grape, and chain, from their guns, which they abandoned as the British army came up. General Frazer, whose gallantry animated every man in the field, was wounded, and obliged to be carried from the battle, when the command devolved upon General Monson. The enemy retired to fresh batteries as the British advanced. The whole of the batteries were carried for upwards of two miles, till the enemy were driven close to

the walls of the fort. One body of them, drawn up to the eastward of the lower end of the lake, still retained a position, whence they had annoyed the British with a very destructive fire. Seeing the British troops, under cover of a fire from several pieces of cannon, moving round to their left, they made a precipitate retreat into the lake, where many of them were lost.

The British took eighty-seven pieces of ordnance in this battle, and lost in killed and wounded about 350 men. The enemy's loss, which was great, could only be conjectured. The remains of the army took shelter in the fortress of Deeg.[1]

After the flight of Holkar with his cavalry from Saumlee, on the morning of the 3rd, the Commander-in-Chief went after him with such expedition, as might allow him no time to ravage the country without risking an engagement with the British cavalry. On the 9th of November, that General arrived at Happer, which the enemy had left the preceding night, moving in the direction of Coorjah, with design, as was supposed, to re-cross the Jumna, in the neighbourhood of Muttra. General Lake arrived at Khass Gunge, on the 14th of November, when Holkar appeared to have taken the direct road to Futty Ghur. On the 16th, Lake arrived at Alygunge distant about thirty-six miles from Futty Ghur. He halted only to refresh his men and horses, and, marching with the cavalry early in the night, came up with the enemy before day-break. They were encamped close under the walls of Furruckabad, and taken by surprise. The execution done upon them was therefore prodigious, and their resistance inconsiderable. Several discharges of grape being given to them from the horse artillery, the cavalry advanced, and put them to the sword. Many of the horses were still at their piquets, when the British cavalry penetrated into their camp.[2] From the 31st of

[1] Despatches, iv. 233.—W.

Lord Lake expresses his opinion, on several occasions, that this was one of the severest actions during the war; it appears to have been the hardest fought battle on this side India." "I have every reason to believe that the action of the 13th instant was a very near business." Despatches iv. 241, 251. It was a contest less with men than with guns; the batteries of the enemy were crowded with guns and strongly posted. Thorn's War in India, plan, p. 408.—W.

[2] The surprise was complete; Holkar would not credit the possibility of the British making so rapid a movement, and went to sleep as if no danger was

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October, when they departed from Delhi, the British troops had daily marched a distance of twenty-three or twenty-four miles; during the day and night preceding the attack, they marched fifty-eight miles; and from the distance to which they pursued the enemy, must have passed over a space of more than seventy miles before they took up their ground.

After allowing the troops to halt for two days, the British General again marched in pursuit of Holkar, who fled to the Jumna in great distress, and re-crossed it near Mohabun on the 23rd, hastening to join the remainder of his army at Deeg. The Commander-in-Chief arrived at Muttra on the 28th; and joined the army at Deeg on the 1st of December. On his march he received the melancholy intelligence that the wound of General Frazer had proved mortal. The loss of that officer was felt as a national, and almost an individual, calamity, by every Briton in India.

Of the enemy's force, a considerable portion having thrown themselves into the town and fort of Deeg, and the remainder occupying a position under its walls, arrangements were taken for the reduction of the place. The battering train and necessary stores arrived from Agra, on the 10th; and ground was broken on the 13th. The possession of an eminence which commanded the town, and in some degree, the fortress itself, appeared of importance for the further operations of the siege. It was defended by a small fortification; the enemy had strongly intrenched themselves in its front; had erected batteries in the most commanding situations; and were favoured by the nature of the ground. The breach in the wall was practicable on the 23rd; and arrangements were made to storm it, together with the intrenchments and batteries,

near. Afterwards, in the course of the night, intelligence came by the dawk that the general was only four coss off, but the servants would not waken the Maharaja, taking on themselves to decide that the report was not true. At about midnight, (more correctly, at dawn,) General Lake came down upon upon Holkar's position; by some accident a tumbril blew up just before the onset, and the report awakened the Maharaja to a sense of his danger, so that he was on horseback when the enemy came, with a few more prepared for action. But before the rest were mounted, the General was upon them, and the army was defeated with great slaughter. Memoir of Ameer Khan. Major Thorn estimates that Holkar, in the onslaught, and by dispersion, must have lost half his force; estimated, but no doubt with exaggeration, at 60,000 men. War in India, 393.—W.

during the night. The force destined for the attack was divided into three columns, and moved off in such a manner as to reach the different points of attack a little before twelve at night. The right column, under Captain Kelly, was ordered to force the enemy's batteries and trenches on the high ground to the left of the town. The left column, under Major Radcliffe, was destined to carry the batteries and trenches on the enemy's right. The centre column formed the storming party, and was led by Lieut.-Colonel Macrae. The whole service was performed with equal gallantry and success. "By means of the darkness of the night," says the Commander-in-Chief, "the enemy was taken by surprise, and prevented from availing themselves of the advantage they possessed, or of making a very formidable resistance." The loss of the British was not trifling, and that of the enemy very great. Overawed by this example of the audacity and success of the British troops, the enemy evacuated the town of Deeg on the following day; the fort, on the succeeding night; and fled in the direction of Bhurtpore, leaving nearly the whole of their cannon behind.[1]

The fort of Deeg belonged to Runjeet Sing, the Raja of Bhurtpore. When the British, in the battle fought on the 13th, pursued the troops of Holkar under the walls of the fort, a destructive fire of cannon and musquetry was opened upon them by the garrison. The Raja of Bhurtpore was one of the first of the chiefs in that part of India, who, at the time when General Lake advanced against Sindiah beyond the Jumna, made overtures for a combination with the British state. As he was one of the most considerable of the minor sovereigns in that part of India, and possessed great influence among the Rajas of the Jaats, his accession to the British cause was treated as a fortunate event, and he was indulged with very advantageous terms. A treaty was concluded by him, by which the British government bound itself to protect his dominions; bound itself not to interfere in the smallest degree with the administration of his country; freed him

[1] Printed papers, ut supra, p. 224, 252—273; also General Lake's Letter to the Governor-General, dated Muttra, 1st July, 1805; Papers, ut supra, No. 15, p. 35.—M.
Despatches, iv. 241.—W.

entirely from the heavy tribute which he annually paid to the Mahratta powers; and of the surrounding districts, conquered from Sindiah, annexed so much to the territories of the Raja, as equalled in extent and value one-third of his former dominions.

Notwithstanding these great advantages, and the Governor-General's system of defensive alliance, no sooner had Holkar assumed an attitude of defiance to the British Power, than Runjeet Sing manifested an inclination to join him. On the 1st of August, 1804, a secret agent of the Raja, with letters to Holkar, was apprehended at Muttra, and discovery made of a treacherous correspondence. The Raja, very soon after concluding his treaty with the British government, had exhorted Holkar to despise the British power, and offered to join him, on condition of receiving certain accessions of territory. During the same month in which this discovery was made, several complaints were addressed to him by the Commander-in-Chief, on account of the little assistance received from him in providing for the war. In the intercepted correspondence, offence appeared to have been taken by the Raja at the violent manner in which the British resident at Muttra had decided some disputes respecting the traffic in salt; and some alarm was conveyed to his mind by a report that the English government was to introduce the English courts of justice into his dominions.[1]

Upon reference of all these circumstances to the Governor-General, though he regarded them as ample proof of traitorous designs, he was yet disposed, on the present occasion, when his defensive system was upon its trial, to exercise an uncommon degree of lenity and forbearance. He imputed the offences of the Raja and his son, to the corrupt intrigues of mischievous advisers; and said, that "the just principles of policy, as well as the characteristic lenity and mercy of the British government, required that a due indulgence should be manifested towards the imbecility, ignorance, and indo-

[1] Another cause seems to have been a religious feeling. The letters of the agent repeatedly allude to the Raja's horror at the cow-killing propensities of the infidel English. Despatches, Lieut.-General Lake to the Marquess Wellesley, iv. 183, 187.—W.

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lence of the native chiefs, who have been drawn into these acts of treachery and hostility, by the depravity and artifices of their servants and adherents." [1] And he instructed the Commander-in-Chief to warn the Raja of his danger; to assure him that no design of interfering with his government was entertained by the British rulers; and to require him to break off immediately all communication with the enemies of the British state. Towards the end of October, the Commander-in-Chief complained to the Governor-General, that the Raja had evaded his application for the troops, with which, according to the treaty, he was bound to assist the British government; while he had afforded to Holkar positive and material assistance.[2] In reply, the Governor-General left the question of peace or war to be decided by the opinion of expediency which the Commander-in-Chief, with his more intimate knowledge of the circumstances, might be induced to form; still, however, remarking, that "if considerations of security should not require the punishment of Bhurtpore, those of policy suggested the expediency of forbearance, notwithstanding the provocation which would render such punishment an act of retributive justice." The behaviour, however, of the garrison of Deeg, at the time of the battle fought under its walls, produced orders from the seat of government for the entire reduction of the Raja, and the annexation of all his forts and territories to the British dominions. As Bappoojee Sindiah, the officer who, at the beginning of the war with Holkar, commanded that detachment from the army of Sindiah which co-operated with General Monson at the commencement of his retreat, and was one of the chieftains included in the list of those who, under the operation of the late treaty, were to receive jaghires

[1] Letter from the Governor-General to the Commander-in-Chief. Papers, No. 15, ut supra, p. 23. Compare the sentiments here expressed with those employed against the Nabobs of Arcot.—M.

Despatches, iv. 193, 353. The grounds of this opinion were furnished by Lord Lake, who from personal knowledge of the Raja and his son, considered them to be indolent and unenterprising characters, and unlikely to have embarked in any hazardous enterprise, except upon the instigation of some of the persons about them, who, from the desperate state of their fortunes, were ready to advocate the most violent measures. Despatches iv. 184.—W.

[2] The troops also which had been professedly assembled for the purpose of co-operating with the British army, were actually engaged on the side of the enemy at the battle of Deeg. Despatches iv. 357.—W.

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and pensions from the British government, had afterwards openly joined Holkar with the troops under his command; and Suddasheo Bhao, another of Sindiah's officers, who had been sent to co-operate with Monson, had also joined the enemy, the Governor-General at the same time directed the Commander-in-Chief to proceed against them as rebels; try them by a court-martial; and carry the sentence into immediate execution.[1].

The loss of Deeg was a tremendous blow to Holkar and the Raja. The surrounding country immediately submitted to the authority of the British government; and General Lake, having taken the requisite steps for securing the fort, and administering the country, moved from Deeg on the 29th of December. The army of Guzerat, under the command of Colonel Murray, had been ordered to advance from the southward, in the direction of Kotah, to intercept, if made by that route, the flight of Holkar into Malwa. This officer had reached the neighbourhood of Kotah by the end of December; and General Lake believed, if he could have made the Mahratta chieftain retreat in that direction, that he might have been effectually destroyed. But Holkar, though pursued from place to place, could not be driven from the Bhurtpore territories, so long as his infantry could find protection in the city of Bhurtpore, his cavalry, by its rapid movements, could elude all attacks, and supplies were derived from the resources of the Raja. The reduction of Bhurtpore presented itself, therefore, to the Commander-in-Chief as, of necessity, the first of his future operations.

After being joined at Muttra by the King's 75th regiment, which he had summoned from Cawnpore, he arrived before the capital of the Raja, on the 3rd of January, 1805. The town of Bhurtpore, eight miles in extent, was everywhere surrounded by a mud wall of great thickness and height, and a very wide and deep ditch filled with

[1] Papers, ut supra, No. 15, p. 7—37.—M.
Lord Wellesley's instructions to Lord Lake, were, to issue a proclamation ordering Bapoojee Sindiah and his followers to proceed to his camp by a certain day, under penalty of being considered and treated as rebels and traitors. If they did not join the camp, and afterwards became prisoners to the British army, then they were to be tried by a court-martial, and the General was authorized to carry into immediate execution the punishment which might be awarded them for their treachery and rebellion. Despatches, iv. 263.—W.

water. The fort was situated at the eastern extremity of the town; and the walls were flanked with bastions, at short distances, mounted with a numerous artillery. The whole force of Runjeet Sing, and as many of the surrounding inhabitants as were deemed conducive to its defence, were thrown into the place; while the broken battalions of Holkar had intrenched themselves under its walls. The British army, after driving the battalions from this position, with great slaughter, and the loss of all the artillery which they had been enabled to carry from Deeg, took up a position south-west of the town. The batteries were opened on the 7th of January. On the 9th, a breach was reported practicable; and the General resolved to assault in the evening, as the enemy had hitherto stockaded, at night, the damage sustained by the wall in the course of the day. When the storming party arrived at the ditch, they found the water exceedingly deep. Over this difficulty they prevailed; and gained the foot of the breach. Here they made several gallant and persevering exertions; but all ineffectual: they were repulsed with a heavy loss, including Lieutenant-Colonel Maitland, the officer who bravely commanded in the assault.

The operations of the besiegers were immediately renewed, and a second breach was prepared on the 21st. It was deemed advisable to give the assault by daylight. The storming party moved out of the trenches, where they had been lodged for the purpose, a little before three o'clock in the afternoon. They were unable to pass the ditch; and, being exposed for a considerable time to a fire which did great execution, were obliged to retire.

The want of military stores and provisions delayed the commencement of renewed operations, till the beginning of February, when the batteries were opened upon the wall, at some distance from the part which was formerly breached. On the 20th of the same month, the breach being as complete as it was supposed to be capable of being made, one column, composed of 200 Europeans, and a battalion of sepoys, was ordered to attack the enemy's trenches and guns outside the town; a second column, composed of 300 Europeans, and two battalions of sepoys, to attack one of the gates; while a third, headed by Lieutenant-Colonel Don, and formed of the greatest part of the

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European force belonging to the Bengal army, and three battalions of sepoys, was to ascend the breach. The signal to be observed by the storming party was, the commencement of the attack by the first column on the enemy's trenches, a little before four o'clock in the afternoon. This column was successful, and got immediate possession of the enemy's guns. The second column was delayed by a party of the enemy's horse; and was exposed, by a mistake, it is said, of their guide, to a destructive fire from the town, which destroyed their ladders, and rendered ineffectual the attempt on the gate. The storming party was also delayed, according to the statement of the Commander-in-Chief, by circumstances, which he does not mention; and found the ditch so deep, that it was impossible to arrive at the breach. The troops, having attempted to ascend by the bastion, were repulsed with great slaughter, though the colours of one of the native regiments were planted within a short distance of the top.

As the Commander-in-Chief ascribed the failure to accidental obstructions and delays; as the storming party had nearly gained the summit of the bastion; and as he was informed, he says, that a few hours more battering would make the ascent there perfectly easy, he determined to make another attempt on the following day. The whole European part of the Bengal army, and the greater part of two King's regiments, with upwards of four battalions of native infantry, moved on to the attack, under Brigadier-General Monson, about three o'clock in the afternoon "Discharges of grape, logs of wood, and pots filled with combustible materials, immediately," says the report of the Commander-in-Chief, "knocked down those who were ascending; and the whole party, after being engaged in an obstinate contest for two hours, and suffering very severe loss, were obliged to relinquish the attempt, and retire to our trenches." The steepness of the ascent, and the inability of the assailants to mount, except by small parties at a time, were, it was said, the enemy's advantages.[1]

The guns of the British army had, in consequence of incessant firing, become, for the most part, unserviceable; the whole of the artillery stores were expended; provi-

[1] No. 15, ut supra, p. 37, 38. No. 25, ut supra, p. 272—285.—M. Despatches iv. 264, 292,—W.

sions were exhausted; and the sick and wounded were numerous. It was therefore necessary to intermit the siege of Bhurtpore. One of the most remarkable, perhaps, of all the events in the history of the British nation in India, is the difficulty, found by this victorious army, of subduing the capital of a petty Raja of Hindustan. The circumstances have not been sufficiently disclosed; for, on the subject of these unsuccessful attacks, the reports of the Commander-in-Chief are laconic. As general causes, he chiefly alleges the extent of the place, the number of its defenders, the strength of its works, and, lastly, the incapacity of his engineers; as if a Commander-in-Chief were fit for his office who is not himself an engineer.[1]

[1] Although it may be reasonably expected, that a Commander-in-Chief should be able to appreciate the abilities of his engineers, and the probable adequacy of the means at their command to overcome the resistance opposed to him, it can scarcely be held to be incumbent on him to be an engineer himself. Lord Lake was certainly no engineer; neither his education, nor his experience, nor his temperament, qualified him for directing the operations of a siege. It is said that he proposed to attack Bhurtpore, as he had done Alighur, by blowing open the gates,—in which there is great likelihood that he would have succeeded;—he was advised to the contrary, and it was determined to attempt to breach with a very ineffective battering train, with a great deficiency of officers instructed or experienced in the art of engineering, and with a great abundance of ignorance as to the strength and circumstances of the fortress. The fullest account of the siege is given by Major Thorn; many interesting particulars are also supplied by a treatise on the Attack of Mud Forts, by Colonel Galloway, and by a series of anonymous articles, entitled Military Autobiography, which are understood to be the composition of a distinguished Bengal officer, in the East Indian United Service Journal, published in Calcutta, in 1833, and 1834. From these sources, and from the oral information of officers present at the siege, some addition may be made to the meagre account which the text has derived from the official despatches.

Operations commenced with the construction of a breaching battery, not of the most formidable description; it consisted of six eighteen-pounders, and on the right of it was a small mortar-battery of four pieces; the distance was above 700 yards. The wall of the fort extended right and left as far as the eye could reach, and was thickly studded with projecting bastions, well furnished with artillery. The spot chosen for forming a breach lay close to the right flank of one of these bastions, which enabled the defenders to enfilade the approach, a circumstance that occasioned much of the loss suffered in the attempt to storm. In the first assault some delay and confusion took place from the accidental divergence, in the dark, of the column of attack; and in Major Thorn's opinion this delay was a chief cause of the failure. This, however, may be doubted, as it may be otherwise sufficiently accounted for. When the column arrived near the wall, its progress was arrested by a deep ditch, the existence of which had not been suspected.

The distance at which the battery had been raised, and the absence of approaches, prevented the assailants from discovering what was going on along the foot of the walls, and permitted the garrison to employ working parties to widen and deepen what was a dry and neglected ditch, and to fill it for the requisite distance opposite to the breach with water, from a water-course which communicated with an extensive swamp at some short distance from the fort. Such was the impediment which arrested the column, as they were wholly unprepared for it; a few men continued to cross the ditch above the breach, and make their way to the latter by a narrow path at the foot of the wall, just broad enough to admit one man at a time. In this way, a few men of the flank

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companies of His Majesty's 22nd mounted the breach, but support could not be given with sufficient celerity to enable them to maintain it, and they were compelled to retire. The fort kept up a hot fire during the whole of the assault. Many men were killed on the retreat also, as the country was in possession of Holkar's cavalry, who perpetually hovered on the flanks of the columns, cutting off all stragglers.

Whatever chance of success the first attack of this description might have offered, from the courage of the troops and the intimidation of the enemy, was immeasurably diminished for a second effort, as the troops had lost, and the enemy gained, confidence. A somewhat stronger battery was formed, and a breach on the other side of the same bastion was effected. In order to gain some information as to the ditch, a stratagem of palpable absurdity was devised: three native troopers in the character of deserters rode from the camp towards the walls, they were fired at with blank cartridges, and the people on the walls, being thus far deceived, allowed them to approach the edge of the ditch, pointing out to them the direction of the gates. The situation of the troopers did not allow of very deliberate observation, as they rode off again as speedily as they could, being now fired at by the garrison. They returned in safety, and reported that the ditch was inconsiderable; their report was trusted to, but when the troops made their way, under a heavy and destructive fire, to the edge of the ditch, they found a sheet of water of considerable width, much broader than the ladders they had brought to cross it with, and much beyond the depth of the tallest grenadier. Some time was vainly spent in attempting to get across under a well-sustained and well-directed fire from the walls, and after much loss the column was recalled. Nothing more strongly shows the utter ignorance of the besiegers of the localities of the neighbourhood, than the injury they sustained from an impediment entirely within their own power. Had they known whence the ditch was fed, it would have been easy for them to have cut off the supply of water, and in all probability the first assault would have given them Bhurtpore.

These two failures having enforced the necessity of more regular proceedings, approaches were begun in a different position, and carried to the edge of the ditch. Supplies of stores and artillery were brought from Agra and other depôts; and more powerful batteries, though still much too weak for the purpose, opened against a part of the wall where the curtain was of less width than usual, and was effectually covered by a bastion at either extremity. On the morning of the day appointed for the storm, the garrison, whose courage had been elevated to the highest pitch by the slow progress of the siege, and the impunity with which they had murdered the wounded, and mutilated the slain, left behind after each assault, made a desperate sally upon the head of the trenches, gained possession of them for a time, and were repulsed only after they had killed the officer of His Majesty's 75th, commanding the advance, and many of the men. They gained and retained possession also of a trench in advance of the lines, from which it was proposed to dislodge them, and follow them closely into the breach. The Europeans, however, of His Majesty's 75th and 76th, who were at the head of the column, refused to advance, and the few men of the flank companies of the 22nd who had obeyed the command, were necessarily recalled. The entreaties and expostulations of their officers failing to produce any effect, two regiments of Native Infantry, the 12th and 15th, were summoned to the front, and gallantly advanced to the storm. These circumstances explain the delay alluded to by Lord Lake. The men were tired and disheartened by the conflict in which they had been engaged during the forenoon, and had adopted a notion that in the advanced trench which had been occupied by the enemy a mine was laid, by which they would be blown up. In this state of exhaustion and panic it would have been judicious to have deferred the assault, as persisting in it paralyzed so large a portion of the assailing force. When the column reached the ditch, it was, as before, impassable; but some of the men inclining to the right contrived to turn it and to clamber up the rugged slope of the flanking bastion, and the colours of the 12th regiment of Native Infantry waved from the summit of the

to join the Commander-in-Chief at Bhurtpore; where it arrived, on the 12th of February, and under Major-General Jones, who had succeeded Colonel Murray, bore a full share in the succeeding operations.

During the detention of the army before the capital of Runjeet Sing, the cavalry under General Smith had been employed in expelling Ameer Khan, an adventurer of Afghan descent, who had found the means of collecting a predatory army, and made an incursion into the Company's territory.[1] Before the preparations were completed

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slope. There was, however, still a perpendicular parapet of some height to be surmounted; and as this was resolutely defended by the garrison, all efforts to scale it were productive only of the destruction of the assailants. Two or three of the men did get in at the front embrazure of the wall, but they were instantly cut to pieces by the enemy. So apparent an approximation to success induced the Commander-in-Chief to direct a repetition of the attack upon the bastion which had been ascended, on the following day; and on this occasion the Europeans, who had been panic-struck on the day preceding, volunteered to lead the attack, and gallantly redeemed their character. Their valour only aggravated their loss. There was no breach, and the attempt to carry the fort by scrambling in disorder up a scabrous bastion, in which no firm footing could be found, and where the party was exposed to a murderous fire, and to an equally destructive shower of deadly missiles from a numerous garrison, strong in position, and exulting in spirit, was an inconsiderate and unjustifiable casting away of men's lives.

The writer in the East Indian United Service Journal, adverting to the blame imputed to the Engineers for the failure of the attack upon Bhurtpore, remarks, "who the Commanding Engineer was, I have met with no body who could exactly tell. I believe the office passed through the hands of several individuals during the siege, but no one of them was of sufficient character, either in respect of influence or experience, to take upon himself the responsibility attached to so important a situation." He adds, however, "even if an officer of the requisite ability and experience had been present, it is doubtful whether he would have been attended to, for so confident was the General in the resistless bravery of his troops, and so impatient withal, that he could hardly brook the delay that was necessary to enable his guns to make a breach in the ramparts. He had undertaken to besiege a large, populous, and strong place, with means that were totally inadequate for such an enterprise; and in a military point of view he was highly culpable." The writer proceeds to blame the government for not providing the means whilst it enjoined the enterprise; but admitting the neglect, this does not exonerate a General, left as Lord Lake was with large discretional authority, from the culpability of attempting objects which his utter want of means rendered impossibilities.—W.

[1] Ameer Khan joined Holkar after the first storm of Bhurtpore, and co-operated with his cavalry in harassing the British camp and columns. He also took an active part in the different attempts made to cut off the English convoys coming to the siege. As these attempts were unsuccessful, the Raja of Bhurtpore ascribed their failure to want of proper concert between Ameer Khan and Holkar, and he therefore sent for them and said, "as both Sirdars could not act well together in the same field, it would be better that one should remain at Bhurtpore while the other headed an incursion into the enemy's territory, and carried the war thither." "Holkar recollecting," adds his friend and confederate, with some malice, "his misfortunes at Furruckabad and Deeg, chose to remain," and Ameer Khan, therefore, went upon this expedition. His direction was Rohilcund, of which country he was a native. He was followed on the day after his departure by General Smith, with three regiments of dragoons, three regiments of native cavalry, and a division of

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for resuming the siege of Bhurtpore, this force returned, and might, it appeared to the Commander-in-Chief, be now advantageously employed in dislodging Holkar from the neighbourhood of Bhurtpore; and, if possible, expelling him from that quarter of India. At two o'clock in the morning of the 29th of March, he left his camp, with the whole of the cavalry and the reserve, intending to surprise the enemy about daybreak. Colonel Don, with the reserve, moved directly upon their left, while the General himself made a circuit to their right, in the line in which it was expected they would fly from the attack on their left. They were so much, however, upon their guard, as to be secured by a timely flight from any considerable injury. In two days, it was heard, that they were again encamped within twenty miles of Bhurtpore. On the 1st of April, the Commander-in-Chief proceeded with the same force at midnight, for another chance of reaching them before they could take to flight. Though now passing the night in so much vigilance that they kept their horses saddled, they had not begun to march before the British force were within two hundred yards from them, and having horses superior both in speed and strength, were able to perform upon them considerable execution, before they had time to disperse. So little did the enemy think of defending themselves, that of the British, in either of those onsets, not a man was lost.

In addition to other causes, which tended to reduce the power of Holkar, the most respectable of the chiefs who belonged to his army, now came with their followers to

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horse artillery. At Moradabad, which was an English station, Ameer Khan's party did some mischief, but they were detained before the house of the Judge, which had been prepared for resistance, and in which the English residents, with some of the militia, had taken refuge. They defended themselves there for two days, until the approach of General Smith effected their deliverance. The Mahratta force then moved towards the hills, destroying and plundering some insignificant villages: fearing that his retreat might be cut off, Ameer Khan then retraced his steps, but was intercepted, and brought to action near Afzulgerh, on the 2nd of March. Some vigorous charges were made by the enemy, but they were resolutely encountered, and driven with some loss from the field. After the plunder of some other towns in Rohilcund, and some fruitless operations against detachments and convoys of the English, Ameer Khan re-crossed the Ganges on the 13th of March, attended, according to his own account, by no more than 100 men. He contrived to collect some of his scattered forces, with whom he rejoined Holkar on the 20th of March. General Smith returned to camp on the 23rd, having effectually frustrated Ameer Khan's predatory designs. War in India, 430. Life of Ameer Khan, 250.—W.

the English camp. The Raja of Bhurtpore, also, discovering the fallacy of the hopes which he had built upon Holkar, and dreading the effects of a renewed attack, began, soon after the suspension of operations, to testify his desire for reconciliation. Though an example to counteract the impressions made upon the minds of the people of Hindustan, by the successful resistance of the Raja of Bhurtpore, might have appeared, at this time, exceedingly useful; yet some strong circumstances recommended a course rather of forbearance than of revenge. The season was very far advanced, and Bhurtpore might still make a tedious defence: the severity of the hot winds would destroy the health of the Europeans in the trenches, and affect even that of the natives; great inconvenience was sustained from the continuance of Holkar in that quarter of India, from which it would be difficult to expel him, with Bhurtpore for a place of refuge and support: And, above all, it was necessary to have the army in a state of readiness to act against Sindiah, who appeared on the point of renewing the war. The proposals of the Raja, therefore, met the British rulers in a very compliant temper; and the terms of a new treaty were settled on the 10th of April, when the preparations for the renewal of the siege were completed, and the army had actually taken up its position at the place. As compensation for the expense which the Raja, by his disobedience, had inflicted on the British government, he agreed to pay, by instalments, a sum of twenty lacs of Furruckabad rupees; and the additional territory, with which he had been aggrandized by the Company, was resumed. In other respects, he was allowed to remain in the same situation in which he had been placed by the preceding treaty. The fort of Deeg was not, indeed, to be restored till after experience, for some time had, of his fidelity and friendship; but if that were obtained, a part of the compensation-money would not be required.[1]

The conclusion of a treaty with Sindiah, even his entering into the system of subsidiary defence, created no sense of tranquillity, no expectation of peace between him and the British government. Before the signature of the

[1] No. 15, ut supra, p. 40—45, 53.—M. See Treaty. Wellesley Despatches, iv. App., p. 636.—W.

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treaty of subsidiary alliance, a dispute had arisen about the fort of Gualior, and the territory of Gohud. The British government included these possessions in the construction of that article of the treaty which bound Sindiah to all the engagements formed by the British government during the war, with any of the chiefs who had previously paid to him tribute or obedience. Sindiah contended that they could not be included in that article by any just and reasonable construction; and also represented them as so important to himself, that he could by no means retain his state and condition without them.

The behaviour of Ambajee Englah, or Ingliah, had produced even hostile operations between the time of signing the treaty of peace, and signing the treaty of defensive alliance. After having separated his interests from those of Sindiah, under whom he rented and governed the possessions in question, and after having formed engagements with the British government, on the terms which it held out, during the war, to every chief whom it found possessed of power; that versatile leader, as soon as he understood that peace was likely to be concluded with Sindiah, renounced his engagements with the English, and endeavoured to prevent them from obtaining possession of the fort and districts which he had agreed to give up. The Commander-in-Chief sent troops, and seized them.

The disputes on the subject of Gualior and Gohud began on the 17th of February, 1804; and were pressed, wth infinite eagerness, by the ministers of Sindiah. They did not prevent the signature of the defensive treaty, because the Mahratta ministers declared, that, how much soever convinced of his right, and how deeply soever his interests would be affected by the alienation of that right, their master would not allow it to disturb the relations of peace so happily established; but would throw himself on the honour and generosity of the British chiefs. They argued and contended, that the article of the treaty which bound him to the engagements, formed with his dependants and tributaries by the British government, could only refer to such chiefs as the Rajas of Jodepoor and Jyepoor, or, at any rate, to Zemindars and Jaghiredars; that Gohud was the immediate property of the

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Maharaja; that it was absurd to talk of a Rana of Gohud; as no such person was known; as all the pretensions of that family were extinct, and the province had been in the immediate and absolute possession of Sindiah and his predecessor for thirty years; that no right could be justly founded on the revival of an antiquated claim, in favour of some forgotten individual of an ancient family; and that it was not for the interest of the British government, any more than of Sindiah, to call in question the foundations of actual possession, since a great part of all that belonged to both was held by neither a more ancient, nor a more valid title, than that which Sindiah possessed to the territory of Gohud. As for the fort of Gualior, it was not so much, they affirmed, as a part of Gohud; it was a fortress of the Mogul, granted to Sindiah, of which the Rana of Gohud, even when such a personage existed, could be regarded as no more than the Governor, nominated by Sindiah, and employed during his pleasure. The English affirmed, that as the operation of the treaty extended, by the very terms, to all the territories of Sindiah, excepting those "situated to the southward of the territories of the Rajas of Jyepoor, Jodepoor, and the Rana of Gohud," it was evident, that it was meant to apply to those of the Rana of Gohud: that if the possession in question had not passed to the English, by treaty with the parties to whom they were now consigned, they would have passed to them by conquest; as the army, after the battle of Laswaree, was actually moving towards Gohud and Gualior, when Ambajee Ingliah, against whom the heir of the family of the Rana of Gohud had been acting, in aid of the British government, with a considerable body of troops, concluded a treaty, by which they were surrendered.

It would appear, that General Wellesley believed there was weight in the arguments of Sindiah. In the answer which he returned to Major Malcolm, when that officer made communication to him of the conclusion of the treaty of defensive alliance, which he negotiated with Sindiah: "It appears," he remarked, "that Sindiah's ministers have given that prince reason to expect that he would retain Gualior; and, I think it possible, that, considering all the circumstances of the case, his Excellency

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the Governor-General may be induced to attend to Sindiah's wishes upon this occasion. At all events, your despatches contain fresh matter, upon which it would be desirable to receive his Excellency's orders, before you proceed to make any communication to Sindiah's Durbar, on the subject of Gualior."

The Governor-General continued steadfastly to consider the arrangement which he had made respecting Gualior and Gohud, as necessary to complete his intended plan of defence, by a chain of allied princes and strong positions between the British and Mahratta frontiers. Sindiah, after a fruitless contest, was obliged to submit; and on the 21st of May, 1804, he received in public Durbar, the list of treaties to which he was required to conform.

The apparent termination of this dispute by no means introduced the sentiments of friendship between the two governments. In a letter dated the 18th of October, 1804, which was addressed, in the name of Sindiah, to the Governor-General, various complaints were urged, "tending," says the British ruler, "to implicate the justice and good faith of the British government, in its conduct towards that chieftain."[1]

[1] As subsequently intimated (p. 437), this letter, although dated in October, did not reach the Governor-General until the middle of February. The delay is not sufficiently accounted for by its circuitous conveyance, as noticed in Lord Wellesley's reply to Sindiah. The letter could not have been dispatched at the date when it was written, and other probable causes may be assigned for its subsequent retardation. The whole of the discussions with Sindiah were an exemplification of the cat in the adage, "letting 'I dare not' wait upon 'I would.'" Sindiah's sympathies were with Holkar, but he wanted the resolution to declare them; and with the varying fortunes of that chief, his determination to join him or to keep aloof alternated. A strong party in his court, at the head of which was his father-in-law, Serjee Rao Ghatkay, listening only to their hatred of the English, believed, and endeavoured to make Sindiah believe, that Holkar must triumph if supported by Sindiah; that he might, even without such assistance, eventually succeed. Opposed to this party was another of the Maharaja's advisers, with the chief minister Bapoojee Wittul at their head, and their representations contributed to shake Sindiah's resolution. The persuasions and arguments of either, however, gained or lost efficacy with the course of events; and that under the fluctuation of feeling thus produced, the letter was composed, kept back, and dispatched, is probable from a consideration of what had occurred. At the end of August, Monson's detachment was driven out of Malwa and destroyed. In the course of September Holkar was in occupation of Muttra and threatened Agra, and nothing was anticipated amongst the Mahrattas but the total overthrow of the English. In this state of excitement the letter, which is little better than a defiance, was composed, and it may have been sent off to the Vakeel at Benares. In the course of October, however, Lord Lake with his army was in the field; the attempt upon Delhi was defeated, and affairs began to look doubtful. The Vakeel was then probably enjoined to delay the delivery of the letter by undertaking a long journey from Benares to Calcutta, performed no doubt deliberately, so that he might be easily overtaken, and his

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First of all, the British government had used him ill in regard to money; for, whereas the losses to which he had

ultimate instructions be regulated by intermediate events. Then came news of the pursuit and surprise of Furruckabad, and of the battle and siege of Deeg; and a further delay took place which would have probably ended in a total suppression of the despatch, if the repulse at Bhurtpore in the beginning of January had not turned the scale in favour of co-operation with Holkar, and the journey of the messenger was completed. This is in all likelihood the true explanation of the interval of four months that elapsed between the date and the delivery of Sindiah's letter.

As to the complaints preferred in that letter, those which had any decency in them had been repeatedly discussed with the Resident in Sindiah's court, or in his camp, and had been, as it was supposed, finally disposed of. On the 18th of May the Resident "took occasion to require a formal renunciation of Dowlut Rao Sindiah's claim to the fort and territory of Gwalior and Gohud; and the minister in reply authorized the Resident to assure the Governor-General that the claim had been completely relinquished by his master." The treaty was accordingly ratified to this effect by Sindiah himself, on the 24th of May. His again urging the claim after such full and formal renunciation of it, could only have proceeded from a belief that the British government might now be intimidated into an acquiescence in an act of injustice.

From this time forward the main point pressed upon the consideration of the Governor-General by Sindiah's ministers, was the grant of pecuniary assistance, without which, it was affirmed, Sindiah could take no part in the war against Holkar, as he could not move his army from Burhanpore. That he was labouring under financial difficulties was no doubt true, but it was not true to the extent asserted; for when it suited him to march, he moved towards the scene of hostilities without having received the demanded aid. Pecuniary assistance, however, was promised him, if he would satisfy the British government that he was not engaged in any hostile designs against them. The proofs insisted on were the dismissal from his court of Holkar's Vakeel, who at first openly, and afterwards secretly, resided with Sindiah, and was frequently admitted to private conferences with him and his ministers. The next condition was, the removal from his councils of Serjee Rao Ghatkay, a man, as the Mahrattas universally acknowledged, of infamous character, and notoriously inimical to the English, and in communication with Holkar. He had been obliged to withdraw from the court by the odium he had incurred with his countrymen, and had resided at Poonah; but in August, when the British arms had suffered a reverse, made his appearance at Burhanpore, and speedily gained an ascendancy over the mind of his son-in-law. Bapoojee Wittul dying at the end of 1804, Serjee Rao became chief minister. The third and last condition insisted on by the Resident was Sindiah's march to his capital, Ougein, where he would be advantageously situated for the protection of Malwa, and less readily in communication with the enemies of the British state. These conditions were repeatedly assented to, receded from, evaded, refused, promised, with the most barefaced and disgraceful want of consistency, and with the evident purpose of adhering to no pledge, observing no faith, which it might be thought safe to violate. The British government would have been fully justified in punishing such insolence and perfidy, by the renewal of hostilities, the end of which must have been Sindiah's speedy destruction. Knowledge of his inability to resist usually came opportunely to Dowlut Rao's recollection, when matters seemed verging to extremity, and no submission was too base, no stratagem too villanous, of which the effect was to dissuade or prevent the British Resident from quitting the Mahratta camp, a measure which Sindiah dreaded as equivalent to a declaration of war.

Sindiah at last consented to leave Burhanpore on pretence of moving to his capital: here instead of taking the road to Ougein, he marched to the east, in the direction of Bundelkhand, where Ameer khan, with a body of horse, was carrying on military operations on Holkar's part. On the way, he committed an unprovoked aggression on the Nawab of Bhopal, an independent prince, an attack upon whom, without any communication with the English government, was a breach of the treaty of defensive alliance. Thence he proceeded to

recently been exposed had deprived him of the pecuniary means necessary to bring his forces into the field, the

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Saugur; and, asserting that he was entitled to the payment of a balance due on account of an assignment to him by the Peshwa, levied contributions on the country, and besieged the town. Saugur belonged to the Peshwa, the ally of the British government: hostile proceedings against the former were virtually so against the latter, and were every way incompatible with the relations in which all three powers stood towards each other. At Saugur, Sindiah was in communication with Ameer Khan at Bhilsa, and with Ambajee and other sirdars in Malwa, who were in arms against the English; and his language, and that of his ministers, became less equivocal. The communications made by the Resident of Lord Lake's successes, were unnoticed; whilst those of Holkar's, real or fabricated, were received with marks of public exultation. Nine battalions of infantry, with sixty-five guns, and a large body of Pindarries, joined the camp; and every thing bore so decidedly the appearance of hostility, that the Acting Resident, Mr. Jenkins—the Resident, Mr. Webbe, having died—determined to quit the camp, and applied for passports. He was desired to wait some days, when Ambajee Inglia would arrive, and it would be settled whether Sindiah would march to Ougein, or the Resident should receive his dismissal; a declaration equivalent to an announcement of contemplated war, and calculated, therefore, to confirm the representative of the English government in his intention. When this was found to be the case, Sindiah was alarmed, and fresh pretexts, and renewed promises of a more friendly complexion, prevailed upon the Resident to delay his threatened departure. The pretexts proved, as usual frivolous or false; the promises were broken, the instant they had served the purpose of the moment; and additional proofs of Sindiah's intrigues with Holkar having been received, the Acting Resident would no longer be delayed, and left the camp, with his suite and baggage, on the 23rd of January, 1805.

At the end of his first march, messengers from Sindiah overtook him, and entreated him to return for an interview with the Maharaja, who was prepared to comply entirely with the wishes of the British Government. Mr. Jenkins accordingly returned, leaving his tents in a grove near the camp of Sindiah's regular brigades. He was detained at the Durbar until evening, when news arrived that his escort had been attacked by an overwhelming force of Pindarries, the officer commanding it, the surgeon attached to the Residency, and several of the Sepoys had been wounded, and the whole of the baggage carried off. A similar atrocity had been attempted on a previous occasion. On the night of the 29th December, the public baggage tent had been attacked, and the guard overpowered, but the plunder was only partial, and the violence of a more unauthorized character. In either case, all sanction was disavowed by Sindiah, and he professed extreme horror and indignation at the conduct of the plunderers, but no attempt was made to detect or punish them, nor was the property restored. The text ascribes the outrage to Serjee Rao alone, in hopes to embroil Sindiah beyond remedy with the British Government, but it is not likely that it was perpetrated without Sindiah's cognizance, and it had probably no deeper design that the prevention of the Resident's departure. The Governor-General, although he immediately demanded Sindiah's disavowal of any concern in his transaction, and reparation for the wrong inflicted, (Despatches iv. 296,) under a guarded mounce of the revival of hostilities, was not willing to ascribe it to any other cause than the uncontrollable licentiousness of the Pindarries, and did not judge it prudent to take any further notice of the occurrence. The same precarious and unsafe sort of intercourse was in consequence maintained for a further period, until a change of councils in the administration of the British Government rewarded the perfidy of Dowlut Rao Sindiah with the possession of Gohud and Gwalior.

The despatch from which the preceding details are principally extracted contains also a report of the negotiations with the Berar Raja, which are not adverted to in the text, although they equally threatened to add to the enemies of the British Government. In the Month of August, news of Holkar's successes reached Berar, with circumstances of great exaggeration, disseminating, as they had done elsewhere, erroneous impressions of the injury he had in-

English had disregarded his earnest applications for the sums necessary to enable him to co-operate in the subjugation of Holkar; the consequence of which was, that when he sent two chiefs, Bappojee Sindiah, and Suddasheo Bhao, to join the army under General Lake, as that General would afford them no money, they were soon obliged to separate from him, in order to find a subsistence, and even to effect a temporary and feigned conjunction with the enemy, to avoid destruction, either by his arms, or by the want of subsistence.

Secondly, the British government had used him ill, in respect to Gualior and Gohud; which had long formed part of his immediate dominions, and were not included in the list, delivered to General Wellesley, of the places which he ceded by the treaty of peace.

Thirdly, his tributary, the Raja of Jodepore, was included in the list of princes protected by engagements with the English; while that Raja himself disclaimed all such engagements; had received into his protection the family of Holkar; and had written frequently to Sindiah,

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flicted upon his opponents. Intrigue was immediately at work to prevail upon the Raja to take the opportunity of recovering some of the losses of the late war: the Resident was made acquainted with the existence of a correspondence in which plans were proposed to the Raja for seizing the province of Sumbhulpore, and for cooperating with the Raja of Khurda and other petty chiefs in Cuttack, who actually rose in insurrection. The replies of the Raja expressed his approbation of these projects, contained instructions for carrying them into effect, and enjoined secrecy and caution. It was also ascertained that he was in communication with Sindiah and with Holkar. In October, a vakeel from Ameer Khan arrived at Nagpore, and one who had been sent to Sindiah returned. The return of the latter was immediately followed by orders for the assemblage of the Raja's troops and his army under Saccaram Bukshee marched towards the frontier, whilst in other parts of his dominions levies of men and other military preparations were made with great activity. The representations of the resident against these measures were met by assurances of continued amity, and the military movements were accounted for as necessary to resist a threatened incursion of Ameer Khan, who had engaged to assist the Nawab of Bhopal in opposing the claims of the Raja of Berar upon Hoshunghabad. Some acts of plunder, committed on the territories of Nagpore, by Ameer Khan's Pindarries, gave some colour to the assertions of the Raja; and the precautions taken in Sumbhulpore and Cuttack, with intelligence of the action of Furruckabad and Deeg, seem to have determined the court of Nagpore at least to wait for the further development of events, before they manifested their hostile sentiments. Some further anxiety and suspicion were created by the conduct of the Raja's brother, Venkajee Bhonsla, who collected a body of troops; and plundered some villages in the territory of the Nizam, but his conduct was earnestly disavowed by the Raja and his Jagir put under sequestration, reparation was made for the injury committed, and no further fear was entertained of the Raja's entering into any confederacy adverse to the British state. Letter of the Governor-General to the Secret Committee, 24th March, 1805. Dispatches iv, 322.—W.

BOOK VI. CHAP XIII. declaring, that he remained in the same relation to him as before.

1805. Fourthly, the lands which were to be restored, as the private property of Sindiah, had not yet been given up; and the pensions, and other sums, which were agreed for, had not been regularly paid.

Fifthly, the British government had not afforded to his dominions that protection which, by treaty, they owed; for even when Colonel Murray was at Oujein, Holkar had besieged the fort of Mundesoor, and laid waste the surrounding country; while Meer Khan, the Afghan, who was a partisan of Holkar, had captured Bhilsa, and plundered the adjoining districts.[1]

At the time of the date of this letter, Sindiah had moved from Boorhanpore, and reached the Nerbudda, which his army was already beginning to cross. In compliance with the urgent remonstrances of the British government, he professed the intention of repairing to the capital of his dominions, and undertaking the regulation of his affairs. In reality, he took the direction of Bhopaul; and, with or without his consent, two signal enormities took place. Some of his troops plundered Saugur, a city and district pertaining to the Peshwa; and a party of his irregular troops attacked and plundered the camp of the British Resident. At the time when this outrage was committed, the British force in Bundelcund had been summoned, by the Commander-in-Chief, to reinforce the main army at Bhurtpore, which had suffered a material reduction in the late unsuccessful attempts. The army from Bundelcund was on its march, and had arrived at Gualior, when, late in the evening, hircarrahs came in with intelligence of the violation of the British Residency,

[1] The replies of the Governor-General to these allegations were sufficiently convincing, but it is worth while to notice the first, more particularly, as an example of impudence not exceeded by any thing in the annals even of Mahratta diplomacy. It was matter of universal notoriety that these two chiefs had behaved with the most unequivocal treachery, and Sindiah must have known both the fact and the cause. "No Mahratta doubts," says Captain Grant, "that Bapoojee Sindiah and Seudasheo Bhao deserted to Holkar with Dowlut Rao's consent." Mahr. Hist., 3. The fifth allegation is scarcely inferior in shamelessness to the first, for Colonel Murray's inability to protect the country of Sindiah against Holkar, was mainly owing, not only to the utter want of that co-operation which the treaty entitled him to expect from Sindiah's troops, but to the opposition, little short of hostility, which he experienced from Sindiah's officers. Letter from Marquess Wellesley to Dowlut Rao Sindiah, 4th. of April. Despatches iv. 294.—W.

in Sindiah's camp. The greatest alarm was excited. The route through Bundelcund into Allahabad, from Allahabad to Benares, and from Benares to Calcutta, was denuded of all its troops; and there was nothing to oppose the progress of Sindiah, through the heart of the British dominions, to Calcutta itself. It immediately suggested itself to the minds of the British officers, that Sindiah had resolved to avail himself of the fortunate moment, when the British troops were all withdrawn to the disastrous siege of Bhurtpore, to perform this brilliant exploit; and that the violation of the Residency was the first act of the war. Under this impression, it was resolved to march back the army of Bundelcund to Jansee, which lay on the road by which it was necessary for Sindiah to pass. Sindiah proceeded rather in a contrary direction, towards Malwa. The probability is, that Serjee Rao Gautka, his minister, and father-in-law, committed the outrage upon the British Residency, in hopes to embroil him beyond remedy with the British government, and thus to ensure the war to which he found it so difficult to draw the feeble and irresolute mind of his prince; while the promptitude with which the British force was again opposed to his march into the British dominions maintained, in his mind, the ascendancy of those fears which the minister found it so hard to subdue. A spirited prince might have made a very different use of his opportunity.

The letter which contained the complaints of Sindiah was conveyed in so tedious a mode, that four months elapsed before it was delivered at Calcutta; nor was the answer penned till the 14th of April, 1805. The Governor-General had satisfactory arguments with which to repel the several allegations of Sindiah: though he allowed that the Raja of Jodepore had refused to abide by the stipulation contracted with the British government; which, therefore, would not interfere between him and Sindiah. He then proceeded to give a list of offences, thirteen in number, with which Sindiah was chargeable toward the British state.

First, after remaining at Boorhanpore, till towards the end of the year 1804, Sindiah, instead of proceeding to his capital, in conformity with the pressing instances of the Resident, and his own repeated promises, for the

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purpose of co-operating with the British government, directed his march towards the territory of Bhopaul, where he was not only remote from the scene of utility, but positively injurious, by alarming and robbing one of the British allies.

Secondly, notwithstanding the repeated remonstrances of the Resident, a vakeel of Holkar was allowed to remain in Sindiah's camp; and Sindiah's minister maintained with him a constant clandestine intercourse.

Thirdly, Sindiah's officers, at Oujein, instead of yielding any assistance to the operations of Colonel Murray, had obstructed them.

Fourthly, two of Sindiah's commanders had deserted from the British army, and had served with the enemy during almost the whole of the war.

Fifthly, Sindiah, notwithstanding his complaint of the want of resources, had augmented his army as the powers of the enemy declined, thereby exciting a suspicion of treacherous designs.

Sixthly, the heinous outrage had been committed of attacking and plundering the camp of the British Resident, without the adoption of a single step towards compensation, or atonement, or even the discovery and punishment of the offenders.

The remaining articles in the list were either of minor importance, or so nearly, in their import, coincident with some of the articles mentioned above, that it appears unnecessary to repeat them.

The Governor-General declared; "By all these acts, your Highness has manifestly violated, not only the obligations of the treaty of defensive alliance, but also of the treaty of peace." According to this declaration, it was the forbearance alone of the British government, which prevented the immediate renewal of war.

The next step which was taken by Sindiah, produced expectation that hostilities were near. On the 22nd of March, 1805, he announced, officially, to the British Resident, his resolution of marching to Bhurtpore, with the intention of interposing his mediation, for the restoration of peace, between the British government and its enemies. "To proceed," says the Governor-General, "at the head of an army to the seat of hostilies, for the purpose of

interposing his unsolicited mediation, was an act not only inconsistent with the nature of his engagements, but insulting to the honour, and highly dangerous to the interests, of the British government." In the instructions, however, which the Governor-General issued upon this emergency, he was extremely anxious to avoid the extremity of war, unless in the case of actual aggression. But he deemed it necessary to make immediate arrangements for seizing the possessions of Sindiah, if that chieftain should proceed to extremities. Colonel Close was vested with the same powers which had formerly been confided to General Wellesley; and orders were issued to the officers commanding the subsidiary force at Poonah, and at Hyderabad, to occupy, with their troops, the positions most favorable for invading the southern dominions of Sindiah. The force in Guzerat, which had been weakened by the detachment sent to co-operate in the war against Holkar, was reinforced, with a view as well to defence, as to seize whatever belonged to Sindiah in Guzerat, and its vicinity. Upon some further disclosure of the hostile, or, at least, the unfriendly councils of Sindiah, the Commander-in-Chief was instructed to oppose the march to Bhurtpore, as what, "under all the circumstances of the case, constituted not only a declaration of war, but a violent act of hostility."[1]

[1] The preposterous folly of Sindiah in thus uniting with Holkar when all prospect of success had vanished, is explained by the life of Ameer Khan: this determination must have been formed some time before he announced his intention of marching to Bhurtpore; and when he announced his intention he fully expected that the Raja was still at war with the English. The treaty with the Raja was not concluded until the 17th of April; and although negotiations had commenced on the 10th of March, this was a secret to both Holkar and Ameer Khan, and the Raja was at the same time carrying on negotiations with Sindiah, for at his request Ameer Khan was sent with Holkar's concurrence to Subbulghur, to expedite arrangements for bringing up Dowlut Rao Sindiah. This was as late as the 7th of April, by which date Sindiah had arrived at Subbulghur, on his way to Bhurtpore. After Ameer Khan's departure, and "when Serjee Rao Ghautka had arrived near to Bhurtpore, the Raja, finding it impossible to keep his secret longer, made it known to Jeswunt Rao Holkar, telling him that he had made his terms some time before with the English." Sindiah, therefore, had been led into the snare by the Raja of Bhurtpore, who had been treacherous to his late allies, and deserted the Mahrattas, when they could no longer wholly disavow their proceedings. It was fortunate that the Jaut found it his interest not to deceive the English, for had he upon the near approach of Sindiah broken off the negotiation and resumed hostilities, Lord Lake, with his army dispirited and weakened by the siege, would have been awkwardly situated, between the forces of Bhurtpore and those of Holkar and Ameer Khan on the one hand, and those of Dowlut Rao Sindiah and Ambajee Inglia on the other. That it was Dowlut Rao's intention to fall upon the rear of the English army, had he found, as he

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The Governor-General, in the event of a war, now resolved to reduce the power of Sindiah to what he calls "the lowest scale." He observes, that the principle of compensation, which had regulated the terms of the former treaty, "had proved inadequate to the purposes of British security, and that the restraints imposed by the provisions of the treaty of peace upon Dowlut Rao Sindiah's means of mischief were insufficient—that another principle of pacification must therefore be assumed; that Sindiah must not be permitted to retain the rights and privileges of an independent state; nor any privileges to an extent that might at a future time enable him to injure the British or their allies; and that the British government must secure the arrangement by establishing a direct control over the acts of his government—experience having sufficiently manifested, that it was in vain to place any reliance on the faith, justice, sincerity, gratitude, or honour of that chieftain"—he might have added, or any chieftain of his nation or country.

No declaration can be more positive and strong of the total inefficacy of the system of defensive alliance. As there is here a declaration of what was *not* sufficient for British security, namely, the system of defensive alliance, so there is a declaration of what alone *is* sufficient, namely, the total prostration and absolute dependence of every surrounding power. This, however, we have more than once had occasion to observe, is conquest—conquest in one of the worst of its shapes: worst, both with respect to the people of India, as adding enormously to the villanies of their own species of government, instead of imparting to them the blessings of a better one; and the people of England, as loading them with all the cost of governing and defending the country, without giving them all the revenues.[1]

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expected, hostilities still in progress at Bhurtpore, cannot be reasonably doubted, notwithstanding his amicable professions. Ameer Khan declares, in speaking of the subsequent separation of the Mahratta chiefs, that "Sindiah broke off from the treaty of offensive and defensive alliance against the English," which is a confession that such an alliance had been formed. Life, 273.

[1] No argument against Lord Wellesley's system of defensive alliance can be drawn from the transactions with Sindiah, for no such alliance with him, on the principle of military control, had been formed. The treaty with him contemplated him as an entirely independent prince, and left him full power over both his civil and military administration; his incapability of exercising this power, except to his own hurt and the injury of his neighbours, was an argument in favour of that sort of control which Lord Wellesley sought to establish,

Sindiah continued his march to the northward, and on the 29th of March had advanced with all his cavalry and Pindarees to Subbulghur, on the river Chumbul, leaving his battalions and guns in the rear. His force at this time was understood by the British government to consist of eight or nine thousand cavalry, 20,000 Pindarees, and nominally eighteen battalions of infantry with 140 guns, all in a very defective state of discipline and equipment. On the 31st of March he had advanced about eighteen miles in a north-easterly direction from Subbulghur. Here he was joined by Ambajee; and the British Resident in his camp, understanding that it was his intention to cross the Chumbul with his cavalry and Pindarees, leaving the bazars and heavy baggage of the army under the protection of Ambajee, requested an audience. His object was to represent to Sindiah the impropriety of crossing the Chumbul, and the propriety of waiting for Colonel Close, who was expected soon to arrive on an important mission from the capital of the Raja of Berar. The propositions of the British agent were received with the most amicable professions on the part of Sindiah and his ministers; who represented, that the embarrassment of his finances was so great as to prevent him from returning to effect the settlement of his country; that his march towards Bhurtpore was intended solely to accelerate the arrival of peace; but that, if the British government would make any arrangement for the relief of his urgent necessities, he would regulate his proceedings agreeably

and which had been successfully established in the case of the Peshwa. There is no doubt that the Peshwa was in secret communication with Sindiah and Holkar, throughout the whole of these transactions: and had it not been for the check imposed upon him by the subsidiary force, he would probably have been as troublesome as his neighbours. As far, therefore, as the great object of Lord Wellesley's system, the preservation of peace in India, was concerned, these occurrences proved that it was not to be affected by any interchange of obligations on the reciprocal footing of equal independence. This had never been doubted, and the efficacy of the system of defensive alliance was not impeached by the events that had occurred, nor was it denied by Lord Wellesley's declaration. On the contrary, it was affirmed by it. Lord Wellesley declared that in regard to Sindiah it must be inferred, that he must not be longer allowed that share of independence which he had abused; that all military means of mischief must be taken away from him. This may be called by what name the author pleases, but this was all along the essential part of the system of defensive alliance, and it cannot be said to have proved ineffective in regard to Sindiah, as it had not been tried. All that had been substantiated by our connexion, had been that no alliance of any kind soever could be maintained with a prince upon whom no obligations were binding, with whom no treaties were sacred.—W.

to its desires. A copy of a letter to the Governor-General was also read, in which reparation was promised for the outrage on the Resident's camp.

1805. This conference, when reported to the Governor-General, appeared to him to indicate a more submissive turn in the councils of Sindiah; the Resident was accordingly instructed, to inform the chieftain, that the atonement offered for the outrage was accepted; that the distresses of his government would be relieved by pecuniary aid, if he would act in co-operation with the British government; and that he could do this, only by returning to the southward, and employing himself in the seizure of the remaining possessions of Holkar in Malwa.

On the 2nd of April, Sindiah marched about eight miles in a retrograde direction towards Subbulghur; leaving the whole of his baggage and bazars under the charge of Ambajee. On the 3rd, the Resident was visited by Sindiah's vakeel, whose commission was, to importune him on the subject of pecuniary relief. A discussion ensued on the two points, of receiving money, and deferring the declared intention of crossing the Chumbul and proceeding to Kerowly, till the arrival of Colonel Close. The result was, an agreement on the part of Sindiah, to return and wait at Subbulghur, and on that of the British Resident, to afford a certain portion of pecuniary aid.

On the 7th of April, Ameer Khan departed from Bhurtpore, with the avowed intention of joining the army of Sindiah. On the same day, the minister of Sindiah marched towards Bhurtpore with a large body of Sindiah's Pindarees, and a considerable part of his cavalry. Information was sent to the Resident, that the proposed mediation was the object of the march.

On the 11th, General Lake received a letter from the said minister, who had arrived at Weir, a town situated about fifteen miles S.W. of Bhurtpore, stating that as the British Resident in the camp of Sindiah had expressed a desire for the mediation of his master, he had commanded him to proceed for that purpose to Bhurtpore. The British General replied, that, peace having been concluded with the Raja of Bhurtpore, the advance of the minister of Sindiah was unnecessary, and might subvert the relations

of amity between the British government and his master, to whom it was highly expedient that he should return. Notwithstanding this, he advanced on the 12th, with a small party of horse, within a few miles of Bhurtpore, whence he transmitted a message to the Raja, soliciting a personal conference, which the Raja declined. The minister then returned to Weir. Holkar, who had been obliged, on the submission of the Raja, to leave Bhurtpore, joined him, at this place, with three or four thousand exhausted cavalry, nearly the whole of his remaining force; and both proceeded towards the camp of Sindiah at Subbulghur.

The advance of the minister, immediately after the master had agreed to halt, the Governor-General regarded as an evasion and a fraud. The conduct of Sindiah, and some intercepted letters, taken from an agent of Sindiah, despatched to Holkar, toward the close of the month of March, convinced the Governor-General of a coincidence in the views of these two chiefs. And, whether they united their forces for the sake of obtaining better terms of peace, or for the purpose of increasing their abilities for war; as it would be of great importance for them, in either case, to prevent an accommodation between the British government and Runjeet Sing, it was not doubted that the design of Sindiah to proceed to Bhurtpore had that prevention for its end.[1] On the 11th, the 14th, and the 15th of April, Bappojee Sindiah, Ameer Khan, and Holkar, respectively, joined the camp of Sindiah, who offered to the British Resident a frivolous pretext for affording a cordial reception to each. He affirmed that Holkar, who had determined, he said, to renew his invasion of the British territories, had, in compliance with his persuasions, abandoned that design, and consented to accept his mediation for the attainment of peace.

On the 21st of April, the Commander-in-Chief, with the whole of his army, moved from Bhurtpore, toward the position of the united chiefs; and signified his desire to the British Resident, that he would take the earliest opportunity of quitting Sindiah's camp. The necessity of this measure appeared to him the stronger from a recent

[1] As mentioned in the note he had advanced in no expectation of preventing a peace, but in full belief that the war continued.—W.

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event. Holkar had seized the person of Ambajee, for the purpose of extorting from him a sum of money; an audacity to which he would not have proceeded, in the very camp of Sindiah, without the consent of that chieftain, and a perfect concurrence in their views.[1]

On the 27th, in consequence of instructions from the Commander-in-Chief, the British Resident solicited an interview with Sindiah; and he thought proper to give notice that the object of it was, to require the return of Sindiah from the position which he then occupied, and his separation from Holkar. The evening of the same day was appointed; but, when it arrived, the attendance of the Resident was not demanded. All that day, and the succeeding night, great alarm and confusion prevailed in Sindiah's camp; for it was reported that the British army was near. On the morning of the 28th, Sindiah and Holkar, with their respective forces, began to retreat with great precipitation; and pursued a difficult march, for several days, during which heat and want of water destroyed a great number of men, to Shahpore, a town in the direct route to Kotah, and distant from that place about fifty miles.

The resolution, which this retreat suggested to the Governor-General, was "To adopt the necessary measures for cantoning the army at its several fixed stations. In his judgment," he says, "this measure, properly arranged, might be expected to afford sufficient protection to the British possessions even in the event of a war; and the best security for the preservation of peace would be," (not the system of defensive alliance, but) "such a distribution of the British armies as should enable them to act against the enemy with vigour and celerity, if Sindiah should commence hostilities, or Holkar again attempt to

[1] A curious and characteristic account of Ambajee's seizure is given by Ameer Khan. It was effected by him under the orders of Holkar, and with the express permission of Sindiah. Dowlut Rao observed, "Ambajee Inglia, who professes to be my servant and has lacs of rupees in ready money by him, will give no aid. If you can contrive a way of extorting money from him you have the permission, but the half must be given to me." Ambajee was confined and tortured; he attempted to destroy himself, but did not succeed. He was at last obliged to purchase his liberation by the payment of thirty-eight, or according to some accounts, fifty-five lacs of rupees. Ambajee Inglia was in consequence instrumental in sowing a dissension between Sindiah and Holkar, and inducing the former to make his peace with the English, by abandoning his ally. Life of Ameer Khan, 271, 273.—W.

disturb the tranquillity of the British territories. At the same time this arrangement would afford the means of effecting a material reduction of the heavy charges incident to a state of war." Yet he had argued, in defence of the former war, that to keep the British army in a state of vigilance would be nearly as expensive as a state of war.

On the 10th of May, Sindiah and Holkar re-commenced their retreat to Kotah; while the demand was still evaded of the English Resident for leave to depart from Sindiah's camp. The opinion entertained by the Governor-General of the state of Sindiah's councils, at the time when he arranged the cantonment of the British troops, is thus expressed, in his own words:—"The weakness and the indolence of Sindiah's personal character, combined with his habits of levity and debauchery, have gradually subjected him to the uncontrolled influence of his minister, Serjee Rao Ghautka, a person of the most profligate principles, and whose cruelty, violence, and abandoned conduct, have rendered him odious to whatever remains of respectable among the chiefs attached to Sindiah. Ghautka's personal views, and irregular and disorderly disposition, are adverse to the establishment of Sindiah's government upon any settled basis of peace and order. Ghautka is therefore an enemy to the treaty of alliance subsisting between Dowlut Rao Sindiah and the Honourable Company. Under the guidance of such perverse councils the interests of Dowlut Rao Sindiah have actually been sacrificed by Ghautka to those of Jeswunt Rao Holkar; and it appears by the report of the acting Resident, contained in his despatch of the 9th of May, that in the absence of Serjee Rao Ghautka, the functions of the administration are actually discharged by Jeswunt Rao Holkar."

With respect to Holkar, the Governor-General was of opinion, that his turbulent disposition and predatory habits would never allow him to submit to restraint, "excepting only in the last extremity of ruined fortune:" And that, as no terms of accommodation, such as he would accept, could be offered to him, without the appearance of concession, no arrangement with him ought to be thought of, except on terms previously solicited by himself, and

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such as would deprive him of the means of disturbing the possessions of the British government and its allies.

He predicted, and there was abundant reason for the anticipation, that the confederacy between Holkar and Sindiah would be of short duration. In that case, provided Sindiah abstained from actual aggression upon the British state or its allies, the existing treaty of peace might still, he thought, be preserved.[1]

About the beginning of June, the confederate chieftains proceeded in a westerly direction towards Ajmere. For the countenance or aid they had received, or might be, expected to receive, in that quarter, from the petty princes who had entered into the Governor-General's system of alliance, that Governor provided the following legitimate apology:—"The conduct of the petty chiefs of Hindostan, and of the Rajpoot states must necessarily be regulated by the progress of events. None of these chiefs possesses singly the power of resisting the forces of the confederates, and any effectual combination among those chiefs is rendered impracticable by the nature of their tenures, by their respective views and prejudices, and by the insuperable operation of immemorial usages and customs. They are therefore compelled to submit to exactions enforced by the vicinity of a superior force, and their preservation and their interests are concerned in supporting the cause of that power, which, engaged in a contest with another state, appears to be successful, and in abstaining from any opposition to either of the belligerent powers which possesses the means of punishing their resistance.[2] In contracting alliances with the petty states of Hindustan, the British government has never entertained the vain expectation of deriving from them the benefits of an active opposition to the power of the Mahratta chieftains, or even of an absolute neutrality, excepting under circumstances which should enable us to protect them against the power of the enemy. At the same time the actual or expected superiority and success

[1] Printed papers, ut supra, No. 23; Extract of a Letter from the Governor-General, 7th June, 1805, relative to Gualior and Gohud, with enclosures, p. 167—203; and a copy of a letter from ditto, 31st May, with enclosures, p. 5—148.—M. Despatches, iv. 535.—W.

[2] Compare with these grounds of action, those laid down by Mr. Hastings, in regard to the Rohillas.

of the confederates can alone induce those states to unite their exertions with those of the enemy in active operations against the British power." It is not easy to see, what utility could exist in alliances, of which these were to be the only results.[1]

In the early part of June, intelligence was transmitted to the Governor-General by the Resident in Sindiah's camp, whom Sindiah, in spite of reiterated applications, had still detained, of the probability of an important change in the councils of that chieftain, by the dismission of Serjee Rao Ghautka, the minister, and the appointment of Ambajee in his stead. Though it appeared that the ascendancy of Holkar in the councils of Sindiah was the cause of the expected change,[2] the Governor-General was disposed to believe that it increased all the probabilities of a speedy dissolution of the confederacy; as Ambajee, it was likely, would favour the projects of Holkar no longer than necessity required.

On the 17th of June, the acting Resident delivered to Sindiah a letter from the Commander-in-Chief, declaring, that if he were not permitted to quit the camp in ten days, the relations subsisting between the two states would be regarded as no longer binding on the British government. In some supposed inconsistency in the letters of the Governor-General and the Commander-in-Chief, Sindiah found a pretext for delay, requiring time to apply for elucidation to the Commander-in-Chief.

All pretext on this ground being removed, the Governor-General concluded, that, if Sindiah any longer persisted in his refusal to dismiss the Resident, it was a sufficient

[1] This supposes that no advantage is to be derived from a liberal policy The British power stood in no need of the aid of the petty Rajpoot and Mahratta princes of Hindustan; but the latter stood in urgent need of the protection of a powerful and benevolent state against the lawless and merciless exactions and cruelties of such freebooters as Jeswunt Rao Holkar and Ameer Khan, and even Sindiah himself. To yield them protection was an act of humanity and of policy, for it secured the tranquillity of India, and all the benefits which could not fail to result from a friendly and safe international exchange of the products of prosperity. Although not necessary, also, it cannot be denied that the command and direction of the resources of a number of small states, exercised by a great one, contribute to the resources and strength of the latter. Once confident of the ability and the will of the British power to yield them protection, the petty states of Hindustan have been ready enough to enlist under its banners and reinforce its armies.—W.

[2] This was a mistake; it was the resentment of Ambajee against Holkar that gave him weight with Sindiah, he, himself, having cause to regret his union with that chief, and to dread its consequences.—W.

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proof of the necessity of war; and if war had become necessary, that it should not be delayed. Instructions were, therefore, addressed to the Commander-in-Chief, by which he was directed to be prepared for active operations against the confederate forces of Sindiah and Holkar, as soon as the season should admit.

On the 27th of June, the last of the days allowed to precede the departure of the Resident agreeably to the demand of the Commander-in-Chief, he was visited by one of the principal servants of Sindiah. The object of the conference was, to prevail upon the Resident to wave his demand of dismission. On this occasion, the strongest professions of amicable intentions with respect to the British government were made on the part of Sindiah; and his extreme reluctance to part with the Resident was ascribed to the appearance which would thence arise of enmity between the states; while he would by no means allow, that detention could be considered as a sufficient motive for war.[1]

Thus stood the relations between the British state and the Mahratta chiefs, when the Marquis Cornwallis arrived in India. In the month of December, 1803, the Marquis Wellesley had notified to the Court of Directors his intention of resigning the government of India, and of returning to Europe, as soon as the negotiations with Dowlut Rao Sindiah, and the Raja of Berar, should be conducted to a conclusion. The hostilities, in which the Company became involved with Holkar, induced him to defer the execution of his intentions; and, even in the month of March, 1805, though he expressed his increasing solicitude, in the declining state of his health, to be relieved from the cares and toils of government, and to return to a more genial climate, he declared his resolution not to abandon his post, till the tranquillity and order of the British empire in India should rest on a secure and permanent basis.[2] Before this time, however, measures had been contemplated in England for a change in the administration of India. The Directors, and the Ministry them-

[1] Despatch of the Governor-General, dated 30th July, 1805, with its enclosures, No. 23, ut supra, p. 227—248.—M. Despatches, iv. 6. 2. Also, vol. v. p. 155, 244.—W.

[2] No. 23, ut supra, p. 253.

selves, began to be alarmed at the accumulation of the Indian debt, and the pecuniary difficulties which pressed upon the Company. Lord Wellesley was regarded as a very expensive and ambitious ruler; the greater part of his administration had been a scene of war and conquest; war and conquest in India had been successfully held forth to the British nation, as at once hostile to the British interests, and cruel to the people of India; with a ruler, possessing the dispositions of Lord Wellesley, it was supposed, that the chances of war would always outnumber the chances of peace; the popular voice, which often governs the cabinets of princes, ascribed a character of moderation and sageness to the Marquis Cornwallis; and to those who longed for peace and an overflowing exchequer in India, it appeared that the return of this nobleman would afford a remedy for every disorder. Though bending under years and infirmities, his own judgment, and that of the parties on whom the choice depended, succeeded in sending him, in the prospect to a probable, in the event to an actual, grave. 1805.

He arrived at Calcutta on the 30th of July, 1805, and on the same day took the oaths in Council, and assumed the government. On the first of August, he announced this event to the Secret Committee of the Court of Directors, in an overland despatch; in which he added, "Finding, to my great concern, that we are still at war with Holkar, and that we can hardly be said to be at peace with Sindiah, I have determined to proceed immediately to the upper provinces, that I may be at hand to avail myself of the interval which the present rainy season must occasion in our military operations, to endeavour, if it can be done without a sacrifice to our honour, to terminate, by negotiation, a contest, in which the most brilliant success can afford us no solid benefit, and which, if it should continue, must involve us in pecuniary difficulties which we shall hardly be able to surmount."

The extent of the condemnation, thus speedily pronounced on the policy of his predecessor, was somewhat equivocal. The meaning might be, either that so much success had already been gained in the contest, that no *further* success would be of any advantage; or, that it was

a contest, in which from the beginning "the most brilliant success could afford no solid benefit." [1]

1805. Lord Cornwallis lost no time in commencing his journey to the upper provinces. In a letter of his, dated on the river, August 9th, 1805, he informed the Court of Directors, that "one of the first objects to which his attention had been directed, was, an inquiry into the state of their finances. The result," he says, "of this inquiry affords the most discouraging prospects; and has convinced me, that unless some very speedy measures are taken to reduce our expenses, it will be impossible to meet with effect the contingency of a renewed war with Sindiah and those powers who may be disposed to confederate with him." The only source of relief to which it appeared that he could have immediate recourse, was the reduction of as many as possible of the irregular troops.

Among the measures of Lord Wellesley, already described, for reducing the power of the Mahratta princes at the commencement of the war, was that of encouraging, by offers of engagement in the British service, the officers employed by those princes, to desert with their troops. The number of those who came over to the British service became at last very considerable; and the expense exceedingly severe. Measures had been taken to lessen the burden before the close of the late administration; and the expense had been reduced from the sum of 5,83,669 rupees per month, to that of 3,90,455. The expense appeared, and with justice, in so very serious a light to Lord Cornwallis, that the troops in question he declared, "would certainly be less formidable if opposed to the British government in the field, than while they remained so distressing a drain upon its resources." A formidable impediment, however, opposed the dismission even of those to whom the faith of the government was in no degree pledged; because their pay was several months in arrear, as well as that of the rest of the army, and there was no money in the treasury for its discharge. In this exigency the Governor-General resolved to retain the treasures which the Directors had sent for China; and apprized

[1] It can scarcely be thought that the latter explanation was intended. To the actual state of the contest it was not inapplicable. Nothing was to be gained from Holkar; and there was no object desired in further reducing the power of Sindiah.—W.

them of this intention by his letter, dated on the 9th of August. In another letter, dated on the 28th of the same month, he says, "I have already represented to your Honourable Committee, the extreme pecuniary embarrassments in which I have found this government involved; every part of the army, and every branch of the public departments attached to it, even in their present stationary positions, are suffering severe distress, from an accumulation of arrears; and if, unfortunately, it should become indispensably necessary to put the troops again in motion, I hardly know how the difficulties of providing funds for such an event are to be surmounted."[1]

The next part of the late system of government, in which the Governor-General thought it necessary to interfere, was the scheme of alliances. On that subject, his sentiments differed widely from those of the ruler who had gone before him.

In a letter dated the 20th of July, 1805, Colonel Close, Resident at Poonah, had stated to the Governor-General, that he had obtained an interview with one of the principal officers of the Peshwa's government, "with whom," says he, "I conversed largely on the present distracted conduct of the Poonah government; pointing out to him, that, owing to the want of capacity and good intention on the part of the Dewan, the Peshwa, instead of enjoying that ease of mind and honourable comfort, which his alliance with the British government was calculated to bestow upon him, was kept in a constant state of anxiety, either by remonstrances necessarily made to his Dewan by the British Resident, or by the disobedience and wicked conduct of the persons placed by the Dewan in the civil and military charge of his Highness's territories, which, instead of yielding a revenue for his Highness's treasury, went only to maintain a set of abandoned men, whose first object is obtaining authority to assemble bands of freebooters, and who then, acting for themselves, hold his Highness's government at defiance."

A despatch from the Marquis Cornwallis to Colonel Close, signed by the secretary to Government, and dated

[1] Copies of all letters from the late Marquis Cornwallis, &c., ordered by the House of Commons to be printed, 19th February, 1808, p. 3, 4, and 6. For the reduction of their regular troops by Lord Wellesley, see the letter of the Commander-in-Chief, No. 23, ut supra, p. 243.

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on the river near Plassey, the 18th of August, 1805, says, "The information which the Governor-General has obtained since his Lordship's arrival at Fort William, respecting the state of affairs at the court of Poonah, and especially the communications contained in your despatches above acknowledged, have enabled his Lordship to form a correct judgment of the condition of his Highness the Peshwa's government. His Lordship observes, with deep concern, the utter inefficiency of the Peshwa's authority to maintain the allegiance and subordination of his officers and subjects; to secure the resources of his country; or to command the services of his troops. His Highness is compelled to solicit the interference of the British government, to repress civil commotion among the public officers of his government, and to provide the means of paying the troops which, by treaty, he is pledged to furnish for the service of the war. His Highness himself, solicitous only of personal ease and security, seems disposed to leave to the British government the internal regulation of his dominions, and the suppression of that anarchy and confusion which is the necessary result of a weak and inefficient government.—We are thus reduced to the alternative, either of mixing in all the disorder and contentions, incident to the loose and inefficient condition of the Peshwa's administration; or of suffering the government and dominion of his Highness to be completely overthrown by the unrestrained effects of general anarchy and rebellion.—Under such circumstances, the alliance with the Peshwa, far from being productive of any advantage to the Company, must involve us in inextricable difficulty, and become an intolerable burden upon us."

The Governor-General alludes to certain circumstances; but the question is, whether these very circumstances are not the natural result of such an alliance, not with the Peshwa exclusively, but any one of the native states; and whether there is any rational medium between abstinence from all connexion with these states, and the avowed conquest of them; the complete substitution, at once, of the British government to their own wretched system of misrule.

The Governor-General recurs to his former opinions respecting the impolicy of all connexion with the Mahratta

states; opinions of which the reason was not confined to the Mahratta states; and he says, "It must be in your recollection, that, during Marquis Cornwallis's former administration, his Lordship, foreseeing the evils of mixing in the labyrinth of the Mahratta politics, and Mahratta contentions, sedulously avoided that sort of connexion with the Peshwa's government, which was calculated to involve the Company in the difficulties and embarrassments of our actual situation. The evils, however, which his Lordship then anticipated from such an alliance, appear to his Lordship to have been exceeded by those which have actually occurred under the operation of the treaty of Bassein.

The views of Lord Cornwallis were less clear and decided with regard to the Nizam, although his observations, addressed to the Resident at Hyderabad, under date the 21st of August, 1805, announced the existence of the same evils, resulting from the alliance with the Nizam, as resulted from that with the Peshwa; that is, a total dissolution of the energies of government, in the hands of the native prince, and the necessity, on the part of the British, of exercising all the functions of government under infinite disadvantages. "The Governor-General," says that address, "observes, with great regret, the degree of interference exercised by the British government, through the channels of its representative, in the internal administration of the government of Hyderabad. It appears to his Lordship to have entirely changed the nature of the relations originally established between the British government and the state of Hyderabad. His Lordship is aware, that this undesirable degree of interference and ascendancy in the councils of the state of Hyderabad, is to be ascribed to the gradual decay of the energies of government; to the defect of efficient instruments of authority; to the circumstances which attended the nomination of the present ministers; and to the personal character of his Highness Secundar Jah.—But the evils which appear to his Lordship to be the necessary result of such a system of interference and paramount ascendancy in the government of Hyderabad, greatly exceed those which the maintenance of that system is calculated to prevent.—The former are of a nature more extensive and more durable;

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and affect the general interests and character of the British government, throughout the whole peninsula of India. The evils of an opposite system are comparatively local and temporary; although rendered more dangerous at the present moment, by the probable effects of a belief which, however unjust, appears to be too generally entertained, of a systematic design on the part of the British government, to establish its control and authority over every state in India.—It is the primary object of his Lordship's policy to remove this unfavourable and dangerous impression, by abstaining in the utmost degree practicable, consistently with the general security of the Company's dominions, from all interference in the internal concerns of other states. His Lordship considers even the preservation of our actual alliances to be an object of inferior importance to that of regaining the confidence, and removing the jealousies and suspicions of surrounding states."

In terms exactly correspondent, the Governor-General wrote to the Secret Committee of the Court of Directors. In a letter enclosing the above despatches, dated on the river near Raj Mahl, on the 28th of August, he says; "One of the most important, and, in my opinion, not the least unfortunate consequences of the subsisting state of our alliance has been the gradual increasing ascendancy of the British influence and authority, exercised through the medium of our Residents, at the courts of Poonah and Hyderabad. The weak and wretched state of the Peshwa's internal government cannot be more forcibly described than in the enclosed despatch, recently received from Colonel Close. And I have reason to believe, that the authority of the Soubah of the Deccan over his dominions is approaching fast to the same state of inefficiency and weakness. The evils likely to ensue from the above statement are sufficiently obvious; but the remedy to be applied to them is unhappily not so apparent.—In the hope, that by degrees, we may be able to withdraw ourselves from the disgraceful participation in which we should be involved, by mixing ourselves in all the intrigues, oppression, and chicanery of the active management of distracted and dislocated provinces, I have ordered those letters to be addressed to the

Residents at the courts of Hyderabad and Poonah, of which copies are herewith enclosed." [1]

1805.

The conduct which Lord Cornwallis determined to pursue, in regard to the relations between the British state and the belligerent or contumacious chiefs, Holkar and Sindiah, was lastly disclosed. His sentiments on that subject, were addressed in a despatch to General, then Lord Lake, on the 18th of September.

In this he declared, that "the first, and most important object of his attention was, a satisfactory adjustment of all differences between the British government and Dowlut Rao Sindiah." To the accomplishment of this primary object of his desire, he conceived that two things only operated in the character of material obstructions; the detention by Sindiah of the British Resident; and the retention, by the British government, of the fortress of Gualior, and the province of Gohud.

The British Governor had made up his mind with regard to both causes of dissension. With regard to the first, he says, "I deem it proper to apprize your Lordship, that as a mere point of honour, I am obliged to compromise, or even to abandon, the demand which has been so repeatedly, and so urgently made, for the release of the British Residency, if it should ultimately prove to be the only obstacle to a satisfactory adjustment of affairs with Dowlut Rao Sindiah." With regard to the second, he says, "It is, in my decided opinion, desirable to abandon our possession of Gualior, and our connexion with Gohud, independently of any reference to a settlement of differences with Dowlut Rao Sindiah: I have, therefore, no hesitation in resolving to transfer to Dowlut Rao Sindiah the possession of that fortress and territory."

This accordingly formed the basis of the scheme of pacification planned by the Governor-General. On his part, Sindiah was to be required to resign his claim to the jaghires and pensions, stipulation for which had been made in the preceding treaty; to make a provision for the Rana of Gohud, to the extent of two and a half, or three lacs of rupees per annum; and to make compensation for the loss sustained by the plunder of the residency. On the other

[1] Papers, ut supra, ordered to be printed, 19th of February, 1808, p. 5.—18.

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hand, the Jyenegur tribute, amounting to the annual sum of three lacs of rupees, might be restored to Sindiah; and leave might be given him, to station a force in Dholepoor Barce, and Raja Kerree, the districts reserved to him in the Doab, as the private estates of his family.

With regard to Jeswunt Rao Holkar, Cornwallis declared it to be his intention to restore to that chieftain the whole of the territories and possessions which had been conquered from him by the British arms.

Two important subjects of regulation yet remained; those minor princes in the region of the Jumna, with whom the British government had formed connexions: and the territory to the westward and southward of Delhi, of which that government had not yet disposed. The plan of the Governor-General was to give up both. He purposed to divide the territory among the princes with whom the British government had formed connexions: and to reconcile those princes to the renunciation of the engagements which the British government had contracted with them, by the allurement of the territory which they were about to receive. His plan was to assign jaghires, in proportion to their claims, to those of least consideration; and to divide the remainder between the Rajas of Macherry and Bhurtpore. He meant that the British government should remain wholly exempt from any obligation to ensure or defend the possession of the territories which it thus conferred. He expressed a hope that those princes, by means of a union among themselves, might, in the reduced condition of Sindiah, have sufficient power for their own defence. "But even the probability," he adds, "of Sindiah's ultimate success would not, in my opinion, constitute a sufficient objection to the proposed arrangement; being satisfied of the expediency even of admitting into the territories in question the power of Dowlut Rao Sindiah, rather than we should preserve any control over, or connexion with them." Any attempt of Sindiah, in any circumstances, against the British possessions in the Doab, he pronounced to be altogether improbable. And "Sindiah's endeavours," he said, "to wrest their territories from the hands of the Rajas of Macherry and Bhurtpore may be expected to lay the foundation of interminable contests, which will afford ample and permanent employment to Sindiah."

In the spirit of these instructions, a letter to Sindiah had been penned on the preceding day; intended to inform him that, as soon as he should release the British Residency, Lord Lake was authorized to open with him a negotiation, for the conclusion of an arrrangement by which Gualior and Gohud might revert to his dominion.[1]

Before these letters were received by the Commander-in-Chief, the dismission of Serjee Rao Gautka from the office of minister to Sindiah, and the appointment of Ambajee, had for some time taken place. This event the British rulers ascribed to the disappointment of Sindiah, in the hopes with which they supposed that Serjee Rao Gautka had nourished him, of finding in the union with Holkar a force with which the English might be opposed. Upon the dismission of Serjee Rao Gautka from the service of Sindiah, he repaired to the camp of Holkar, which for some time had been separated from that of Sindiah. It was the interest, however, of Holkar, to preserve a connexion with Sindiah, which the latter was now very desirous to dissolve. Holkar offered to give no asylum to the discarded minister, who in a short time left his camp, and repaired to the Deccan. Sindiah played the double part, so agreeable to eastern politics; and temporized with Holkar till he felt assured of a favourable adjustment of the subjects of difference between him and the British state.

Moonshee Kavel Nyne was one of the confidential servants of Sindiah, who had been opposed to Serjee Rao Gautka, and of course leaned to the British interests, During the ascendancy of Serjee Rao Gautka, Moonshee Kavel Nyne, from real or apprehended dread of violence, had fled from the dominions of Sindiah; and had taken shelter under the British government at Delhi. Upon the first intimation, from the new Governor-General to the Commander-in-Chief, of the altered tone of politics which was about to be introduced, Moonshee Kavel Nyne was invited to the camp of the Commander-in-Chief; where it was concerted, that one of his relations should speak to Sindiah, and explain to him the facility with which, through the medium of Moonshee Kavel Nyne, he might

[1] Papers (1805), ut supra, No. 11, p. 6—12.

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open a negotiation, calculated to save him from the dangers with which he was encompassed. Sindiah was eager to embrace the expedient, and immediately sent proposals through the medium of Kavel Nyne. By this contrivance the British commander stood upon the vantage ground; and stated, that he could attend to no proposition, while the British Residency was detained.[1] Upon this communication, the Residency was dismissed; and was upon its march to the British territories, while the Commander-in-Chief had forwarded to Sindiah a plan of settlement, fashioned a little according to the views of the Governor-General, before the Governor-General's instructions of the 19th of September, and his letter to Sindiah, arrived in the British camp.

Impressed by dread of the effects, which the manifestation of so eager a desire for peace, and the appearance of indecision in the British councils, if, one proposal being sent, another should immediately follow, might produce upon Mahratta minds; while at the same time he was strongly persuaded of the impolicy of the measures which the Governor-General had enjoined; the Commander-in-Chief took upon himself to detain the letter addressed to Sindiah, and to represent to the Governor-General the views which operated upon his mind.

Apologizing for the interposition of any delay in carrying the commands of the Governor-General into effect, by the alteration which had taken place in the state of affairs; and announcing the actual transmission of a plan of settlement which it was probable that Sindiah would accept, the Commander-in-Chief proceeded to represent; first, that it would be inconsistent with the interests of the British state to let the Mahrattas regain a footing in the upper provinces of India; secondly, that it would be inconsistent with the justice and honour of the British state to relinquish the engagements which it had formed with the minor princes on the Mahratta frontier.

[1] By this reasonable show of policy, some of the mischief which was likely to have arisen from Lord Cornwallis's impatience to conclude a peace, in which he would have waved insisting upon the Resident's release, and allowed Sindiah to station an armed force of his own in the districts of the Doab, were obviated. Such a precipitancy would have been interpreted by Sindiah as a proof of the weakness of the British government, and would have encouraged him to have been still more insolent and exacting in his demands.—W.

1. If the Mahrattas were thrown back from the Company's frontier, to the distance originally planned, a strong barrier would be interposed against them in every direction. To the north-west, the countries of Hurrianah, Bicaneer, Jodepore, and the northern ports of Jeypore, and the Shekawutee, dry, sandy, mountainous, and inhabited by a warlike race, could not be crossed by a hostile army without the greatest difficulty and loss. The roads further south, by Mewat or Bhurtpore, somewhat less impassable, but more than 150 miles in length to the Jumna, through a country with many difficult passes, strong towns, and a warlike and predatory population, would, under a union with the chiefs in that direction, and a well-established line of defence on the part of the British government, be impracticable to a Mahratta army. Though, from the southern part of the territories of Bhurtpore to the junction of the Chumbul with the Jumna, the approach from Malwa presented little difficulty, this line was short; the number of fords so far down the Jumna was much less than higher up; and a British corps, well posted, would afford, in this direction, all the security which could be desired.

If the princes in this region were for a while protected by the British government, they would recover from that state of disunion, poverty, and weakness, into which they had been thrown, partly by the policy, partly by the vices of the Mahratta governments. If abandoned to themselves, they would soon be all subdued, either by Sindiah, or some other conquering hero; and a state of things would be introduced, in the highest degree unfavourable to the interests of the British government. "These petty states would first quarrel with each other; would then call in the different native powers in their vicinity, to their respective aid; and large armies of irregulars would be contending upon the frontier of our most fertile provinces; against whose eventual excesses there would be no well-grounded security, but a military force in a state of constant preparation." The military habits of the people would thus be nourished, instead of those habits of peaceful industry, which it was found by experience they were so ready to acquire. The Jumna, which it was the intention of the Governor-General to make the boundary

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of the British dominions, was not, as had been supposed, a barrier of any importance; as above its junction with the Chumbul, except during a few weeks in the year, it is fordable in a variety of places, and would afford little security from the incursions of a predatory army, to the provinces in the Doab, to Rohilcund, or the countries of the Vizir.

2. The personages on the further side of the Jumna; Rajas, Zemindars, Jaghiredars, and others; to whom the British faith had been formally pledged, were numerous. From that pledge the British faith could not be released, unless the opposite party either infringed the conditions of the engagement, or freely allowed it to be dissolved. "I am fully satisfied," says the Commander-in-Chief, "that no inducement whatever would make the lesser Rajas in this quarter renounce the benefit of the protection of the British government. Even such a proposition would excite in their minds the utmost alarm. They would, I fear, consider it as a prelude to their being sacrificed to the object of obtaining a peace with the Mahrattas.

With regard to the Rana of Gohud, he expressed himself convinced of the utter incapacity of that feeble-minded person for the business of government; and, with respect to him, objected not to the arrangement which the Governor-General proposed.

Before the Governor-General received this remonstrance, he was incapable of discharging the functions of government. His health was impaired when he left England; and from the commencement of his journey from Calcutta, had rapidly declined. On the 29th of September, he had become too ill to proceed, and was removed from his boats to a house in Gazeepore, a town in the district of Benares, at which he had arrived. Accounts were despatched to the Presidency, with intelligence that he could not survive many days. The evil consequences to which the state was exposed by the absurdity of those, who, at an eventful period, sent a man to govern India, just stepping into the grave, without the smallest provision for an event so probable as his death, began now to be seen. Two members alone of the Supreme Council, Sir George Barlow, and Mr. Udney, remained at Calcutta. "Under the embarrassing circumstances," says Sir George, "attendant on

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this heavy calamity, it has been judged to be for the good of the public service, that I should proceed immediately, by relays, to Benares, to join his Lordship, for the purpose of assisting in the conduct of the negotiations for peace commenced by his Lordship, if his indisposition should continue; or of prosecuting the negotiations to a conclusion, in the ever-to-be-deplored event of his Lordship's death. The public service necessarily requires the presence of Lord Lake with the army in the field; and as no provision has been made by the legislature for the very distressing and embarrassing situation in which we are unhappily placed by the indisposition of Lord Cornwallis, at a crisis when the public interests demand the presence of a competent authority near the scene of the depending negotiations, I have been compelled, by my sense of public duty, to leave the charge of that branch of the administration, which must be conducted at Fort William, in the hands of one member of the government. My justification for the adoption of this measure will, I trust, be found in the unprecedented nature of the case, and in the pressing exigency which calls me from the Presidency."

It so happened, that affairs at that time were easy to be arranged; and fell into hands of considerable skill.[1] It was very possible, they might have been of difficult arrangement; and highly probable, when left to chance, that they would have fallen into hands incapable of the task. Of sending a dying man to govern India, without foreseeing the chance of his death, how many evils, in that case, might have been the direful consequence?[2]

Lord Cornwallis lingered to the 5th of October, and then expired. During the last month he remained, for the greatest part of the morning, in a state of weakness

[1] It is rather inconsistent after describing the differences of opinion that existed, to affirm that affairs at the time of Lord Cornwallis's death were easy to be arranged. The course to be followed was, at Lord Wellesley's departure, simple enough, but it had become complicated and embarrassed by the new and conflicting views of his successor. Neither can much credit for skill be given to those into whose hands the management of affairs fell after the death of the Governor-General, as their sole object was to get quit of present difficulties at any cost, even at the sacrifice of the national power and credit. This was cutting, not disentangling the Gordian knot, and evinced little prudence or judgment in the operators.—W.

[2] Papers (1806), ut supra, No. 11, p. 5—13; No. 17; and No. 25, p. 3 and 4.

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approaching to insensibility. Till near the last, he revived a little towards the evening; was dressed, heard the despatches, and gave instructions for the letters which were to be written. By the persons who attended him, it was stated, that even in this condition his mind displayed a considerable portion of its original force.[1] Without reminding ourselves of the partiality of these reporters, and going so far as to admit the possibility of the force which is spoken of, we cannot help seeing that it could exert itself on those subjects only with which the mind was already familiar. Where was the strength to perform the process of fresh inquiry; to collect, and to fix in the mind the knowledge necessary to lay the basis of action in a state of things to a great degree new?

The duties and rank of Supreme Ruler devolved, of course, on Sir George Barlow, a civil servant of the Company, who had ascended with reputation through the several gradations of office, to the dignity of senior member of the Supreme Council, when Lord Cornwallis expired. The new Governor-General lost no time in making reply to the representation which the Commander-in-Chief had addressed to Lord Cornwallis, immediately before his death. He stated his resolution to adhere to the plan of his predecessor, in "abandoning all connexion with the petty states, and, generally, with the territories to the westward of the Jumna." "This resolution," he added, "is founded, not only upon my knowledge of the entire conformity of those general principles to the provisions of the legislature, and to the orders of the Honourable the Court of Directors; but also upon my conviction of their expediency, with a view to the permanent establishment of the British interests in India."

1. With respect to the *security*, which, in the opinion of the Commander-in-Chief, would be sacrificed to this policy, Sir George observed, that it was the declared resolution, even of Marquis Wellesley, "to render, generally, the Jumna the boundary of the British possessions north of Bundelcund, retaining such posts, and such an extent of country on the right bank of that river, as might appear to be necessary for the purposes of effectual defence." The security of the British empire must, he said, be derived

[1] Malcolm's Sketch, p. 413.

from one or other of two sources; either, first, from establishing a controlling power over all the states of India; or, secondly, from the contentions and wars, sure to prevail among those states, if left to themselves, combined with efficient measures of defence on the part of the British government itself. With regard to the first of these sources, "such a system of control," he observed, "must, in its nature, be progressive, and must ultimately tend to a system of universal dominion. After this important observation, bearing so directly on Lord Wellesley's favourite scheme of subsidiary alliance, he added, "It must be obvious to your Lordship, that the prosecution of this system is inconsistent, not only with the provisions of the legislature, but with the general principles of policy which this government has uniformly professed to maintain."[1] The line of the Jumna, he thought, might be rendered an effectual barrier against predatory incursions, or serious attack, by forming a chain of military posts on the banks of that river, from Calpee to the northern extremity of the British frontier, and retaining, for that purpose, upon the right bank of the Jumna, through the whole of that extent, a tract of land, not exceeding, generally, eight or ten miles in breadth, subject to the operation of the British laws.

2. To show that the faith was not binding which the British had pledged for the protection of various chiefs the Governor-General employed the following argument:—That the British government was not bound to keep in its own possession the territory in which these chiefs were situated, or on which they were dependent: and if it surrendered the territory, it dissolved the engagement which it had formed to protect them. Those particular persons, to whom pecuniary or territorial assignments had been

[1] The security of the British power of India was, therefore, made by Sir G. Barlow to depend upon no more permanent or honourable a foundation than the quarrels of the neighbouring potentates. Consistently with this doctrine, it should have been the policy of the British government to foment intestine dissension, and to perpetuate not tranquillity but hostilities among the native states. That such a nefarious practice was not adopted may be believed, but it was scarcely less culpable to look on unconcerned, and suffer those horrors to prevail which it was in the power, whenever it was in the pleasure of the government of British India, to arrest. The scheme of Lord Wellesley may have been chimerical—may have involved consequences which were not foreseen, but it was benevolent and magnanimous. The cold and selfish policy of suffering the princes of India to tear each other to pieces, without interposing to prevent them, savours neither of benevolence nor magnanimity.—W.

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promised, might be provided for by jaghires, in the territory held on the right bank of the Jumna.[1]

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Early in the month of September, Holkar, with the main body of his army, moved from Ajmere, in a north-westerly direction, toward the country of the Seiks. He entered the Shekawutee, with about twelve thousand horse, a small body of ill-equipped infantry, and about thirty guns, of various calibres, most of them unfit for service. Skirting the country of the Raja of Macherry, and the province of Rewarree, he proceeded to Dadree; where he left his infantry, guns, and about a thousand horse, under one of his chiefs. This chief, in conjunction with the Raja of Neemrana, one of the districts to the south-west of Delhi, ceded to the British government by the treaty of peace with Sindiah, proceeded to ravage the British territories. Holkar, himself, with the main body of his cavalry, proceeded towards Patiala, giving out his expectation of being joined by the chiefs of the Seiks, and even by the King of Caubul.[2] The Commander-in-Chief took measures, with his usual promptitude, for not only defeating the schemes of the enemy, but rendering the desperate enterprise in which he had now engaged, the means of his speedy destruction. A force, consisting of three battalions, and eight companies of native infantry, eight six-pounders, and two corps, exceeding two thousand, of irregular horse, with four galloper guns, was appointed to take up a position at Nernoul. Another force, consist-

[1] Letter of Sir George Barlow, dated on the river near Chunar, 20th Oct., 1805; Papers, ut supra, No. 18, p. 5—7.—M.

According to Lord Lake's letter of the 7th October, many of the petty Rajas and chiefs thus situated had not become subjects of the British government only by being occupants of the territory at the time it was conquered, and, therefore, transferable with it when it was surrendered. They had to a still greater extent been put in possession of lands out of the conquered territory, in admission of disputed claims, or in reward for actual services. Of these claims and rewards granted by the British Government, they were almost certain of being deprived upon the restoration of the Mahratta authorities, and the pretended bounty or equity of the British was not only frustrated, but exposed its objects to the resentment and injustice of the public enemy. Its protection should never have been given, or it should never have been withdrawn.—W.

[2] Ameer Khan also asserts that the Raja of Pateeala and Runjit Sing invited Holkar and Ameer Khan to enter into engagements with them, promising if they came to that quarter they should be well received, and all would make common cause against the general enemy. It is not likely they would have entered the Punjab without some encouragement; but that encouragement was apparently partial and undecided. The Khan admits that they had some difficulty in prevailing on Runjit Sing to countenance them. Life, p. 274.—W.

ing of three battalions of regular, and three of irregular, native infantry, with two thousand of the best irregular horse, was sent to Rewarree, where, aided by the troops of the Raja of Macherry, it would maintain tranquillity, cut off the communication of the enemy with Ajmere and Malwa, and prevent him from retreating in the route by which he had advanced. Major-General Jones, with the army under his command, received orders to advance towards the Shekawutee, with a view to secure the defeat of the enemy's infantry, and the capture of his guns; a loss which would not only sink his reputation, but deprive him of the means of subsisting his cavalry during the period of the rains. And the Commander-in-Chief, with the cavalry of the army, and a small reserve of infantry, proceeded from Muttra, about the middle of October, to give chase to Holkar himself, in whatever direction he might proceed.[1] 1805

In the mean time, the negotiation between the British government and Sindiah was conducted, under the auspices of Lord Lake, on the part of Sindiah, by Moonshee Kavel Nyne; on the part of the British government, by Lieutenant-Colonel Malcolm, the political agent of the Governor-General in the British camp. On the 23rd of November, the treaty was concluded and signed. Of defensive, or any other alliance, the name was not introduced. Of the treaty of peace, concluded through General Wellesley at Surjee Anjengaum, every part was to remain in force, except so much as should be altered by the present agreement. Gualior, and the greatest part of Gohud, were ceded; not, however, as due by the preceding treaty, but from considerations of friendship. The river Chumbul, as affording a distinct line of demarcation, was declared to be the boundary between the two states. Sindiah renounced the jaghires and pensions, as well as the districts held as private property, for which provision in his favour was made in the preceding treaty. The British government agreed to allow to himself, personally, an annual pension of four lacs of rupees; and to assign jaghires to his wife and daughter, the first of two lacs, the second of one lac of rupees, per annum, in the British territories in Hindustan. It also engaged to enter into

[1] Papers, ut supra, No. 11, p. 15; and No. 25, p. 19, 20.

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no treaties with the Rajas of Oudipore, Jodepore, Kotah, and other chiefs, the tributaries of Sindiah, in Malwa, Mewar or Merwar; and to interfere in no respect with the conquests made by Sindiah from the Holkar family, between the rivers Taptee and Chumbul. The British government, high and mighty, held it fitting to insert an article in the treaty of peace, binding the Maharaja never to admit Serjee Rao Gautka into his service or councils. "This article," says Colonel Malcolm, "was a complete vindication of our insulted honour." Truckling to the master, you struck a blow at the servant, who, in no possible shape, was responsible to you; and this you were pleased to consider as a vindication of honour!

As this treaty appeared to the Governor-General to impose upon the British government the obligation of protecting the states and chieftains north of the Chumbul, from Cotah to the Jumna, he insisted that two declaratory articles should be annexed, by which that inconvenience might be wholly avoided.

During the negotiations, which preceded the signature of this treaty, Lord Lake was marching in pursuit of Holkar. That chieftain, from the day on which the British General took the field, continued merely to fly before him. Totally disappointed in his hopes of assistance from the Seik chiefs, and reduced at last to the extremity of distress, he sent agents, with an application for peace, to the British camp. As the British commander had instructions to grant terms far more favourable than the enemy had any reason to expect, the negotiation was speedily terminated; and on the 24th of December, 1805, a treaty was signed at Raipoor Ghaut, on the banks of the river Beah, the ancient Hyphasis, to which Holkar had carried his flight.[1] By this treaty, Holkar renounced all

[1] Holkar and his associate had some time before arrived at Amritsir, and had been endeavouring to procure aid from Runjit Sing, whilst he had been endeavouring to employ their troops against a refractory tribe of Mohammedans, a measure to which Holkar had assented, being in great want of money, but which was opposed by Ameer Khan. All parties were mutually dissatisfied when Lord Lake arrived on the Beyah, and made an indirect attempt to open negotiations, the council at Calcutta having written to the General to offer terms, and bring the war to a close as soon as possible. Ameer Khan represents himself as urging the continuance of hostilities and recourse to Shah Shuja at Kabool, but Holkar was weary of the war, and the treaty was concluded. Of the terms originally granted to Holkar by Lord Lake, Ameer Khan says, "The Maharaja looked upon these terms as a God-send, and his

his rights to every place on the northern side of the Chumbul; all his claims on Poonah and Bundelcund, and upon the British government, or its allies; and agreed not to entertain Europeans in his service, without the consent of the British government. On these conditions, he was allowed to return to his own dominions; but by a route prescribed, and without injuring the territory of the British government, or its allies. The British government, on the other hand, agreed, not to interfere with any of the possessions or dependencies of Holkar, south of the Chumbul; and to restore the forts and territories captured by the British forces on the southern side of the rivers Taptee and Godavery. An article was inserted, by which Holkar was bound never to admit Serjee Rao Gautka into his council or service. This article, however, as well as the corresponding article in the treaty with Sindiah, were, after a few months, annulled, in consequence of a report that Serjee Rao Gautka was about to join Holkar. In such a case, these articles might have created embarrassment; "which, agreeably," says Sir John Malcolm, "to the policy of that day, it was deemed prudent to avoid."

Sir George Barlow made an alteration in this treaty, as he did in that with Sindiah, which was sent to him for confirmation. The territories of Holkar, north of the Chumbul, would involve the British government in expense and trouble, either to guarantee or to keep them. He, therefore, annexed a clause, for leaving them to Holkar.

Acting upon his determination to break loose from the engagements, formed with the minor states and chieftains, between the Mahratta frontier and the Doab, the Governor-General disregarded the remonstrances which were made by the Commander-in-Chief, in favour, more especially, of the Raja of Boondee, and the Raja of Jyepore. Lord Lake represented, that the district of Boondee, though not material in point of extent, was highly

agent, who was well acquainted with his inclinations and wishes, brought the paper with exultation." The further concessions made by Sir G. Barlow, Ameer Khan pretends to have been given by the English to remove his objections to the conclusion of peace. That he did oppose it violently for reasons of his own is true, as we learn from Major Thorn's account of his behaviour; but the concessions were made some time after all the parties had returned from the Punjab. War in India, 496. Life of Ameer Khan, 286.—W.

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important, as commanding a principal pass into the northern provinces of the British empire; that the Raja, steady in his friendship, and eminent for his services to the British government, had excited the utmost rage of Holkar, to whom he was tributary, by the great aid which he had rendered to Colonel Monson, during his retreat; and that neither justice, nor honour, allowed him to be delivered over to the vengeance of his barbarous foe. The resolution of the Governor-General remained unchangeable, and by the article which he annexed to the treaty with Holkar, that chief was set free to do what he would with the Raja of Boondee.

The Raja of Jyepore had entered into the system of defensive alliance with the British state, at an early period of the war with Sindiah; but, for a time, showed himself little disposed to be of any advantage; and Cornwallis, by a letter to the Commander-in-Chief of the 3rd of August, had directed the alliance to be treated as dissolved. At that time, however, the united armies of Sindiah and Holkar were on the frontiers of Jyepore, and the Bombay army, which had marched to a place not far from the capital, was drawing most of its supplies from the territories of the Raja. In these circumstances, Lord Lake, before the receipt of the letter of Lord Cornwallis, had encouraged the Raja to found a claim for British protection on the services which it was now in his power to render. He had also prevailed upon Lord Cornwallis to suspend the dissolution of the alliance. When Holkar, during the month of October, passed to the north in the direction of Jyepore, Lord Lake had exhorted the Raja to discharge the duties of a faithful ally, under assurances of British protection; the Raja, on his part, had joined the Bombay army under General Jones, and, by his aid, and the supplies derived from his country, had enabled that General to maintain a position of the greatest importance to the operations of the war; and if, according to expectation, Holkar had retreated in that direction, no doubt was entertained that effective assistance would have been received from the troops of the Raja. In the opinion, therefore, of the Commander-in-Chief, the Raja of Jyepore, who was exposed to a speedy attack from both Sindiah and Holkar, the moment that British protection was withdrawn, could

not be left exposed to their rapacity and vengeance, without a stain upon the British name. These expostulations altered not the resolution of Sir George Barlow, who considered the obligations of the British government as dissolved by the early appearances of disaffection on the part of the Raja, and not restored by his subsequent deserts. He would not even listen to the Commander-in-Chief, requesting that he would defer the renunciation of the alliance till the time when Holkar, who was pledged by the treaty to return immediately to his dominions, should have passed the territories of the Raja. On the contrary, he directed that the renunciation should be immediately declared, lest Holkar, in passing, should commit excesses, which, otherwise, it would be necessary for the British government to resent. Lord Lake was afterwards compelled to receive the bitter reproaches of the Raja, through the mouth of one of his agents, at Delhi.

Regarding the treaties with the Rajas of Macherry and Bhurtpore, as still imposing obligations upon the British government, the Governor-General directed the Commander-in-Chief to enter into a negotiation with them; and to offer them considerable accessions of territory as a return for their consent to the dissolution of the alliance. But Lake, apprehending that even the rumour of any such intention on the part of the British government would again set loose the powers of uproar and destruction in that part of India, represented his apprehensions in such alarming colours, that Sir George, though he declared his resolution unchanged, disclaimed any desire for precipitation; and the Rajas of Bhurtpore and Macherry, with the chiefs in their vicinity, were not, at that time, deprived of the protection of the British power.[1]

[1] Collection of treaties in India (published 1812), p. 200—297, Malcolm's Sketch, p. 406—436. On the negotiation of the new treaties with Sindiah and Holkar, and on the discussions relative to the dissolution of the alliance with the minor states, the official documents, which have yet been printed, furnish scanty information. The supply afforded by Sir John Malcolm is peculiarly authentic, as he was the negotiator and agent, through whom almost every thing was transacted.—M.

Little difference of opinion now prevails upon the merits of this lame and impotent conclusion of hostilities with the Mahratta chiefs. Captain Grant (iii. 317) designates Sir G. Barlow's measures to have been as short-sighted and contracted as they were selfish and indiscriminating. Col. Malcolm dwells at some length upon the impolicy, and to their full extent, the impracticability of the principles by which the measures of the actual government were regulated (Political History, i. 373); Colonel Tod has forcibly illustrated

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It remains, that the financial results of the operations of government from the close of the first administration

the evils resulting from it, in the miseries which were in consequence inflicted upon Rajputana, (History of Rajasthan,) and the Marquis of Hastings, alluding to its principal feature, has characterized the condition of abstaining from the protection of the Rajput states as equally discreditable and embarrassing. (Summary of his Administration, by the Marquis of Hastings.) In blind deference to the alarm excited at home by temporary financial difficulties, in conformity to the parliamentary phraseology of self-denial, and in improvident impatience for a return to a state of selfish but insecure tranquillity, the Government of India descended from the high station it had so long occupied; resigned all the advantages to which it was both in justice and policy entitled by the blood and treasure it had been forced to expend; forfeited its character for the honourable discharge of its engagements; made in the words of the Jypore vakeel "its faith subservient to its convenience," and inspired a general distrust of its principles, and doubt of its strength. Its feeble and ungenerous policy allowed the whole of Hindustan, beyond its own boundaries, to become a scene of fearful strife, lawless plunder, and frightful desolation, for many succeeding years, until the same horrors invaded its own sacred precincts, and involved it in an expensive and perilous warfare, the result of which was its being obliged to assume what it had so long mischievously declined, the avowed supremacy over all the states and princes of Hindustan. What was done in 1817 might have been accomplished, with quite as much reason, with more ease, and still less cost, in 1805. Sindiah's power was then completely broken; Holkar was a fugitive; neither deserved any forbearance; both merited signal chastisement; the one for his unwarrantable acts of predatory aggression, the other for his long course of insolence and treachery. Our author, himself, could scarcely have condemned such a consummation, as it would have substituted for that disguised system of control to which, with some reason, he objects, the more honest principle of conquest which he advocates. Instead of rewarding the perfidy of Sindiah with accessions of territory to which he had no claim, it would have been but a just retribution to have diminished that which he retained. Holkar had no territory, he had no legitimate claim to that of which his anecstors had possessed themselves by fraud or force; and the gratuitous restitution to him of the whole of it, was to reward fraud and to invite future insult and spoliation. These were measures of suicidal folly, but it was both treacherous and cruel to abandon the Rajput princes to Mahratta vengeance and rapacity, especially with a full anticipation of what would be the consequences of withdrawing from them the British protection, as they were pointed out with prophetic anticipation by Lord Lake, in his reply to the orders of Lord Cornwallis. That Cornwallis would have modified his purposes upon the receipt of Lord Lake's representations is not very likely, as he was evidently entirely influenced by the impressions he had brought with him from England, but it may be doubted if even he would have enforced the execution of his orders with the precipitancy and inflexibility of Sir G. Barlow, qualities the less to have been expected, as that officer had been one of Lord Wellesley's council; had concurred with him in all his public measures, and in anticipation of his own succession to power during Lord Cornwallis's fatal illness, had written to Lord Wellesley to express "his confident hope that an accommodation would be effected with Sindiah and with Holkar, on terms not differing essentially from those to which he was aware that Lord Wellesley was prepared to accede." Certainly Lord Wellesley was not prepared to sacrifice the allies and dependants of the British Government, the Rajas of Boondi and Jypur, to the tender mercies of such inveterate enemies to the British power and to social order as Ameer Khan and Jeswunt Rao Holkar. It was evident that Sir G. Barlow's measures were regulated by only one principle, obedience to the wishes of the Court of Directors, which he enforced without regard to circumstances or seasons. Lord Lake, not without reason, indignant at the total disregard of his representations, and disdaining to be made the instrument of measures which he condemned, resigned his political and diplomatic powers on the 17th of January, 1806, announcing as the object of the rest of his service in Hindustan, placing the army in cantonments,

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of the Marquis Cornwallis, till the present remarkable era, should now be adduced. As regards the British nation, it is in these results that the good or evil of its operations in India is wholly to be found. If India affords a surplus revenue which can be sent to England, thus far is India beneficial to England. If the revenue of India is not equal to the expense of governing India, then is India a burden and a drain to England. This is only an application of the principle, according to which the advantage or disadvantage of new territory, in general, is to be estimated. If the new territory increases the revenue more than the charges, it is advantageous; if it increases the charges in proportion to the revenue, it is hurtful. It is also to be observed, that the interest and redemption of the money expended in making the acquisition must be taken into account. If it has been made by a war, for example; the whole expense of the war must be taken into the account. And the new territory must increase the revenue beyond the charges in a degree adequate to the interest and redemption of the whole sum expended in the war, otherwise the acquisition is a positive loss. If the surplus of the revenue were the same after the acquisition as before, the whole expense of the war would be lost; the nation would not be the richer for the acquisition, but the poorer; it would have been its wisdom to have abstained from the war, and to rest contented with the territory which it possessed. If the revenue, after the acquisition, is lessened in proportion to the charge; if the surplus of the revenue is diminished, or the deficit enlarged; in that case, the loss is not confined to that of the whole expense of the war; it is all that, and more; it is the expense of the war, added to the sum by which the balance of the annual receipt and expenditure is deteriorated.[1]

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completing the reduction of the irregular corps, and settling, agreeably to the instructions of the Government, the claims of the native chiefs. These duties occupied him through the remainder of the year, and the following year, in February, 1807, his Lordship embarked at Calcutta for England, leaving a name that retains a distinguished station in the military annals of Bengal, and is affectionately preserved in the traditions of the native army.—W.

[1] It is singular that a writer of in general such liberal sentiments should have taken so narrow a view of the advantages derived to England from her Indian possessions. India, he argues, is beneficial to England only as it affords a surplus revenue which can be sent to England, that is, in proportion

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With this principle in view, the following statements will require but little explanation.

In the year 1793–4, the revenues in India amounted to 8,276,770*l.*; the whole of the charges, including supplies

to the direct tribute which it can pay. Now this is to affirm that during the greater number of the years in which we have been in possession of India it has been of no benefit at all. Who will venture to maintain a proposition so contrary to the fact? Regarding our connexion with India even only on the paltry consideration of how much money we have made by it, the assertion that we have profited solely by its surplus revenue, that is, that in five years out of six we have realized no profit at all, is palpably false. In every year of our intercourse with India, even in those in which the public revenue has fallen far short of the expenditure, there has been a large accession to English capital brought home from India. What are the profits of the Indian trade, what is the maintenance of thirty thousand Englishmen, military included; what is the amount of money annually remitted to England for the support of relations, the education of children, the pensions of officers; and finally what can we call the fortunes accumulated by individuals in trade or in the service of the Company, which they survive to spend in England, or bequeath to their descendants? What is all this but additional capital, remitted from India to England; additional, largely additional, means of recompensing British industry. It is idle, then, to talk of a surplus revenue being the sole source of the benefits derivable from India. On the contrary, it is, and it ought to be, the least even of our pecuniary advantages; for its transfer to England is an abstraction of Indian capital, for which no equivalent is given; it is an exhausting drain upon the resources of the country, the issue of which is replaced by no reflux; it is an extraction of the life-blood from the veins of national industry, which no subsequent introduction of nourishment is furnished to restore. Whatever profit to England, then, the payment to it of a surplus revenue raised in India might afford, the injury done to India would be so disproportionate, that it is to be hoped the legislators of either country will never seriously propose so objectionable a mode of enriching the parent state. In fact, it would do no such thing; the impoverishment of the new territory would very soon disappoint all prospect of gain in the old, and the coffers of England would not long be filled by the surplus revenues of India. Surplus revenue is in fact an absurdity. Properly speaking there can be no surplus revenue whilst there is a debt to be discharged. If the current charges fall below the current receipts, and the balance is not required for the liquidation of public debt, the receipts will be reduced, and the burdens of the people be relieved. "If what the public contribute in revenue should unexpectedly become more productive, it would be the duty of the government to repeal or to reduce objectionable taxes, to increase the judicial and other establishments, so as to render justice more accessible to the great body of the people, to endow public institutions, for providing better means of education, or hospitals for the care of the sick and destitute, to construct roads and bridges, reservoirs and water-courses, to support caravanseries for the accommodation of the traveller, and otherwise to promote those objects which may conduce to the comfort, convenience, and well-being of our native subjects."—Tucker, Financial Situation of the East India Company. The nature of our connexion with India, unfortunately to such an extent for the latter, does impose an annual tribute, but "considerations of policy, of justice, and humanity, all alike concur to condemn unmeasured exaction." The notion of extorting a large tribute, or any tribute from India, except by indirect means, calculated to do infinite mischief, and to annihilate in the end the numerous and great benefits which both England and India reap from their mutual intercourse. This is with reference to the connexion, even in its most unworthy aspect. The gain of a higher character, the moral and political power derived from India by England, is a much more real, and important, and honourable benefit, than all the pounds, shillings, and pence that have ever been, or ever will be "conveyed" from the pockets of the people of India to those of the people of Great Britain.—W.

to the outlying settlements, and the interest of debts, amounted to 6,633,951*l.* There was consequently a surplus of revenue to the amount of 1,642,819*l.*

But this favourable appearance was the result of merely temporary causes; for in the course of four years, though years of peace, and with an economical ruler, it gradually vanished; and in the year 1797-8, when the administration of Marquis Wellesley commenced, there was a deficit of revenue, or surplus of charge. The revenues amounted to 8,059,880*l.*; the charges and interest to 8,178,626*l.*; surpassing the revenues by 118,746*l.*

The evil was prodigiously increased by the administration of Marquis Wellesley; after all the subsidies which he obtained, and all the territory which he added to the British dominions. In the year 1805–6, in which he closed his administration, the revenues amounted to 15,403,409*l.*; charges and interest to 17,672,017*l.*; leaving a surplus of charge equal to 2,268,608*l.*[1]

Such, at the three different periods under comparison, was the state of the government of India, in respect to income and expenditure. Let us consider what was the condition of the Company at the same three periods in respect to debts both at home and in India. In 1793, the debts, both at interest and floating, as they appear upon the face of the Company's accounts, were, in England, 7,991,078*l.*;[2] in India, 7,971,665*l.*; total, 15,962,743*l.* In 1797, the debts in England were, 7,916,459*l.*; in India, 9,142,733*l.*; total, 17,059,192*l.* In 1805, they were 6,012,196*l.* in England, and 25,626,631*l.* in India; in all, 31,638,827*l.*

In estimating the financial condition of a great government, the annual receipt, as compared with the annual expenditure, and the debt, where debt is incurred, are the only circumstances, usually, which are taken into reckon-

[1] The following is a table of the particulars:—

	Revenues.	Charges.	Net Revenue.
1793-4	£8,276,770	£7,066,924	£2,209,846
1797-8	8,059,880	7,411,401	648,479
1805-6	15,403,409	15,561,328	157,319 net charge.

	Supplies to Out-Settlements.	Interest on Debts.	Surplus Revenue.	Surplus Charge.
	£	£	£	£
1793-4	40,822	526,205	1,642,819	—
1797-8	163,299	603,926		118,746
1805-6	250,599	1,860,090		2,268,608

[2] 2,992,440*l.* being deducted, viz., the East India Annuities transferred to the Bank. Fourth Report, 1810, p. 450.

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ing, and make up the account. The goods and effects in hand, which are necessary for the immediate movements of the machine, and in the course of immediate consumption, justly go for nothing; since if any part of them is taken away it must be immediately replaced, and cannot form a part of a fund available to any other purpose, without diminishing some other fund to an equal degree.

Departing from this appropriate rule, the East India Company has availed itself of its mercantile capacity, to bring forward regularly a statement of assets, as a compensation for its debts. This, however, is objectionable, on a second account; because, according to the mode in which this statement is framed, it may exhibit at pleasure either a great or a small amount. Some of the principal articles have hardly any marketable value; could produce little, if the Company were left to dispose of them to the best advantage; yet the rulers of the Company assign to them any value which seems best calculated to answer their designs. Houses, for example, warehouses, forts, and other buildings, with their furniture, constitute a large article; set down at several times the value, probably, at which they would sell. Debts due to the Company, and arrears of tribute, form another material ingredient; of which a great proportion is past recovery. A specimen of the mode in which the account of assets is made up, may be seen in the following fact:—that 1,733,328*l.*, as due by the public for the expedition to Egypt, was continued in the Bengal accounts as an asset, after the expense had been liquidated in England; and upwards of 2,000,000*l.* due to the Company by the Nabob of Arcot, and Raja of Tanjore, is continued in the Madras accounts as an asset, though virtually remitted and extinguished upon assuming the territory of the Carnatic.[1]

The account of assets, therefore, exhibited by the East India Company, deserves very little regard, in forming an estimate of the financial situation of the government of India. Being, however, uniformly adduced, as an article of importance in the Company's accounts, its presence is thus rendered necessary here. As the Committee of the House of Commons, formed in 1810, instituted a comparison between the account of assets and debts, for the

[1] See the Third Report of the Committee, 1810, p. 358, and Appendix No. 2.

period of 1793, and the latest period to which their inquiries could extend, there will be an advantage in taking the same periods for the subject of that view of the assets which is here required. That Committee entered into a slight examination of the statement exhibited by the East India Company of assets in India, and by making certain large, though far from sufficient deductions, reduced the amount of it nearly one half. Unhappily they did not carry even the same degree of scrutiny into the statement of assets at home, and took it pretty nearly as made up by the Company. According to their adjustments the balance is exhibited thus:

Debts, 1792-3.		Assets, 1792-3.	
Home	£7,991,078 [1]	Home	£9,740,832
India	7,992,548	India	3,800,838
Total debts	15,933,626	Total assets	13,541,670
	13,541,670		

£2,441,956, the amount by which, at the first period, the debts exceeded the supposed assets.

Debts, 1809-10.		Assets, 1809-10.	
Home	10,357,088	Home	14,504,944
India	28,897,742	India	12,222,010
	£39,254,830		£26,726,954
Debts, 1809-10.		Assets, 1809-10.	
	39,254,830		26,726,954
	30,660,119	Add sundries as per note [2]	3,933,165
	£8,594,711		£30,660,119

the amount by which, at the second period, the debts exceeded the supposed assets.[3]

[1] The difference between this and the debt for that year, as stated in the accounts, arises from the sum of 2,992,440*l.*, East India Annuities, transferred to the Bank, excluded by the Committee from the Company's accounts.

[2] Goods and Stores in India in 1810, bought in England, not included in the account of assets £2,249,060
Balance in favour of the Company in China, in 1810 1,306,606
Ditto at St. Helena 147,628
Ditto Prince of Wales Island 215,786
Ditto Cape of Good Hope 14,085
To be added to amount of assets £3,933,165

[3] For the above statements, see Third Report, ut supra, p. 358; Fourth Report, ut supra, p. 450.

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To this sum is to be added 2,027,295*l.*, not derived from any intrinsic source either at home or abroad, but subscribed in England in 1793, and 1794, for the addition of one million which the Company was empowered to make to its capital by the new charter of 1793.

The whole of the moneys which have passed into the Company's treasury for capital stock, amounts to the sum of 7,780,000*l.* This remains to be added to the debtor side of its account. The total, then, of the sums on the debtor side of the account at the period in question, viz., the year 1809-10, was 47,034,830*l.*, surpassing the whole of its assets by the sum of 16,374,711*l.*

Upon the statements by which was exhibited the financial condition of the Company at the close of the administration of Marquis Wellesley, it may be justly remarked, that the expenditure at that time was an expenditure of war, and that the ratio between the ordinary revenues, and a war expenditure, affords not a just view of the financial effects which his administration produced.

Let us take the statements for 1808-9, the last of the years for which we have the aid of the Committee of 1810, in unravelling the confusion, and removing the obscurity of the Company's accounts. The government of India had at this time enjoyed three years of uninterrupted peace; when the financial effects of the administration which closed in 1805, may be supposed to be sufficiently ascertained. In that year the revenues amounted to 15,525,055*l.*; the charges, including supplies to out-lying settlements, and the interest of debts, amounted to 15,551,097*l* ; constituting a surplus of charge to the amount of 26,042*l.* This was a great reduction from 2,268,608*l.*, the excess of charge in 1805 ; it was even somewhat less than 118,746*l.*, the excess of charge in 1798 ; but far was this from being a state of receipt adequate to pay the interest and redeem the capital of that enormous sum expended by the wars to which the administration of Marquis Wellesley had given birth. The debts, as they appear upon the face of the accounts were, in England 10,357,088*l.* in 1810; in India 30,876,788*l.* in 1809, which was the last year of which the Committee had received the accounts. The sum of debts was therefore 41,233,876*l.*; being an addition to the

sum of the debts existing in 1805, of little less than 10,000,000*l.*[1]

Among the accounts from the East India Company, which are annually presented to Parliament, is an account entitled "stock by computation." This consists of the debts of the Company, including every acknowledged claim on the one side; of the whole of their disposable effects on the other. On the credit side of this account is placed all the property which has been already spoken of under the name of assets, excepting the greater part of what stands under the name of dead stock, and has little *real*, though set down by the Company at a great *imaginary* value, fixed at the pleasure of those who determine the shape of the accounts. The Committee of 1810 have given the results which this document presents.

On the 1st of March, 1793, the debts were less than the effects; in other words, there was a balance in favour of the concern, to the amount of 1,956,866*l.* On the 1st of March, 1810, the debts were greater than the effects; in other words, there was a balance against the concern, to the amount of 6,025,505*l.* This constitutes a deterioration during the intermediate period, amounting to 7,982,371*l.* To this the same Committee of 1810 add the money raised for capital stock in 1793 and 1794; and after some other adjustments exhibit the deterioration in those seventeen years at 11,062,291*l.*[2]

To the balance of 6,025,505*l.* against the Company in 1810 are to be added the sums received for capital stock, amounting as above to 7,780,000*l.*; exhibiting on the debit side of the Company's account, a balance of 13,805,505*l.*; in other words, an amount to that extent, of legitimate claims, which there is nothing whatsoever in the shape of property to meet.

As the operations of the Company are twofold, those of government and those of commerce, it is a question whether the unfavourable result which appears on the comparison of the accounts of stock in the year 1793, and 1810, was produced by the government, or the commerce.

[1] See the Second and Fourth Reports of the Committee of 1810.
[2] Fourth Report ut supra, p. 451.

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This question the Committee in 1810 make an attempt to answer. Beside the charges which clearly belong to the government, and those which clearly belong to the commerce, there are some, of which it is doubtful whether they belong to the government or the commerce. The charges which the Committee represent as clearly belonging to the government exceed the receipts by 6,364,931*l.* Besides this amount there is a sum of 6,875,350*l.*, which they represent as doubtful, whether it belongs to the government or the commerce. This constitutes an unfavourable balance, to the amount of 13,240,281*l.* Exclusive of these doubtful charges, there is a profit upon the goods purchased and sold, or the commercial transactions of the period, to the amount of 14,676,817*l.* Out of this was paid the dividends upon stock, and the interest upon Debt in England, amounting to 12,515,284; after which remained a surplus, in the aid of government, to the amount of 2,164,533*l.*; reducing the unfavourable balance of 13,240,281*l.* as above, to 110,758, the net deterioration of the period.[1]

The Committee exhibited an account which was intended to show how much England gained or lost by India (not including China), during the period of seventeen years from 1793 to 1810. During that period, the value of property sent by England to India is stated at 43,808,341*l.*; the value received by England from Indiais stated at 42,178,640*l.* England therefore lost 1,629,701*l.*[2]

We have a statement by the Court of Directors which supplies the omission of China. In the year 1808, the financial distresses of the Company compelled the Directors to apply to parliament for relief. To lay a ground for the application, they submitted an exposition of the Company's finances at home and abroad. In this exposition is contained a statement of the sums disbursed in England on account of India and China, and of all the property received from from them in return, beginning with the year 1797-8, and ending with the year 1806-7. During that interval England sent to India and China

[1] Fourth Report, ut supra, p. 262. App. No. 51.
[2] Third Report, ut supra, p. 373.

value more than it received from them, to the amount of 5,691,619*l.*[1]

The peace which terminated the war with the Mahrattas,

[1] The passage in the exposition itself, p. 7, requires to be seen. "The Company have long been in the habit of paying in England political charges strictly appertaining to the territory. For these charges the Company never have credit in the Indian accounts. The large supplies of stores, and part even of the goods, sent out annually by the Company to India, are intended for political purposes, and the whole amount of them should be brought in India to the credit of the Home concern from the time they are shipped; but the practice has been to credit the Company for them only as they were taken out from the Indian warehouses for use, and no losses of such articles in the way outwards or in India, have ever been brought to the credit of London at all. Moreover, it is evident from what has been already stated in this exposition, that the supplies of goods and bullion from England have at times at least exceeded the returns in the same period. The only way therefore to come to an accurate conclusion, is to state all that England has received from India and China; and sent to or paid for India and China in any given period, and thence to strike the balance. Such a statement is exhibited in the accompanying paper, No. 5, which begins with the year 1797-8, and ends with the year 1806-7. On the one side this statement shows all that has been sent to India and China in goods, stores, and bullion, and all that has been paid for bills drawn from thence, or for political charges attaching to the Indian territory; and on the other side, the statement shows all that has been sent from India and China in goods and bills, and all payments received here from government, or payments made in India for commercial charges, and also for any loss that has occurred in English exports sold there. India and China are not debited for goods lost in the way thither, and they are credited for goods sent thence which have been captured or lost on the passage home. After all these allowances and adjustments, which, according to the best knowledge of the Court, comprehend every thing the account ought to contain, the balance is in favour of England, or of the Company at home 5,691,689*l.* If it be asked from what funds at home the Company have been able to bring India so largely indebted? the answer is obvious; From the increase of their capital stock and bonded debt, and from the considerable temporary credits they always have for investments outward. From this account, it is clear, that of the sum of nineteen millions of debt contracted in India since the year 1798-9 down to the year 1807-8, England, or the Company in its commercial capacity, is justly chargeable with no part, and that, on the contrary, India has in that period become largely indebted to England."—M.

This result, it is to be recollected, is not between England, and India, and China, but between the East India Company, and India, and China. Remittances on account of individuals are not comprised in it, and during the whole of this time the value of the goods sent from India in private tonnage was quite considerable enough to turn the balance largely in favour of India. Even, however, as concerns the Company, the account is so constructed as to mislead; without an examination of the details on which it is founded, it is impossible to detect where the fallacy lies, but one source is no doubt in the over-valuation of the exports, and the under-valuation of the imports, the former being invoiced with the addition of an estimate profit, the latter being charged at the cost instead of the selling price. A merchant who should invest ten thousand pounds in the purchase of goods, sell them in India for twelve thousand, convert that twelve thousand pounds into Indian goods, which he would sell in England for twenty thousand, would scarcely consider himself a loser by the transaction. It was not only from their capital or their credits that the Company defrayed political charges of two millions sterling in the time specified; the profits of their trade contributed. As far, therefore, as this account professes to show the state of the Company's dealings with India and China, it is erroneous, and for a general view of the interchange of capital between India and England, it is worthless.—W.

BOOK VI. CHAP. XIII. 1805. a few months after the period of Lord Wellesley's administration, is the last great epoch, in the series of British transactions in India. With regard to subsequent events, the official papers, and other sources of information, are not sufficiently at command. Here, therefore, it is necessary that, for the present, this History should close.

END OF VOL. VI.

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